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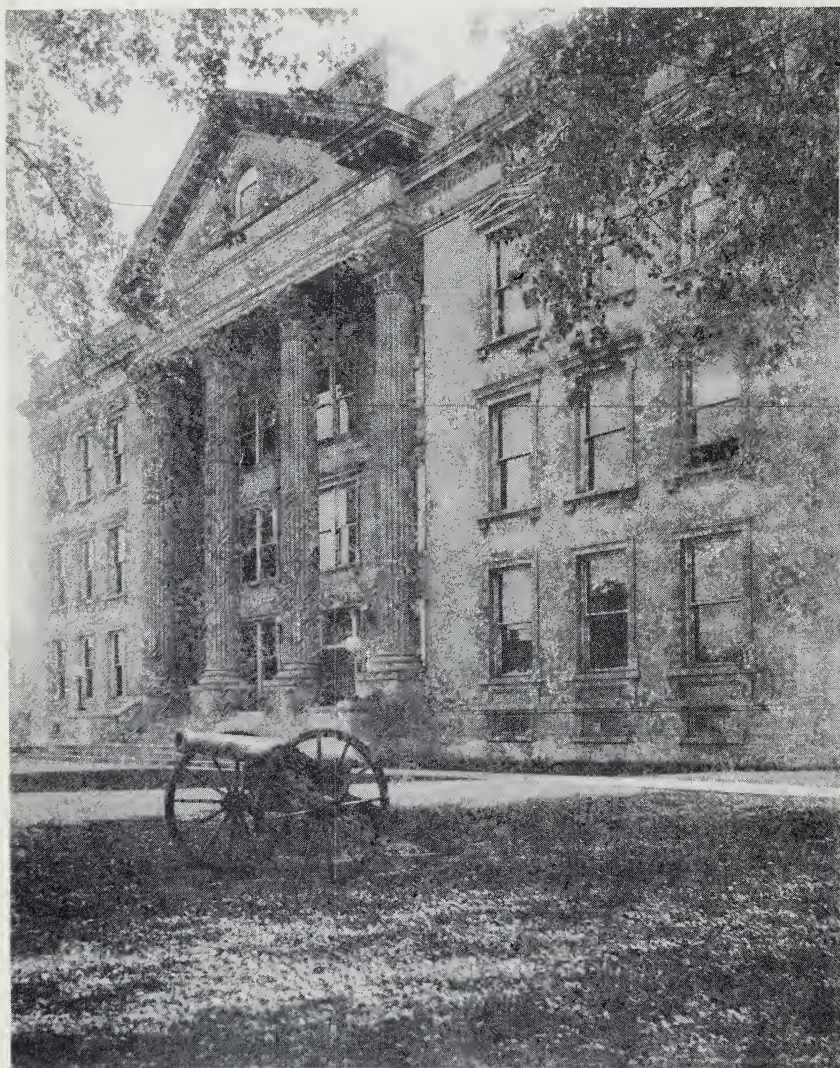


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CLAY COUNTY COURTHOUSE, BRAZIL, INDIANA

INVENTORY OF THE COUNTY ARCHIVES
OF INDIANA

Prepared by

The Historical Records Survey
Division of Professional and Service Projects
Works Progress Administration

NO. 11. CLAY COUNTY
(BRAZIL)

The Historical Records Survey
Indianapolis
1939

FOREWORD

1157801

The Inventory of County Archives of Indiana is one of a number of bibliographies of historical materials prepared throughout the United States by workers on The Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Clay County, is number 11 of the Indiana series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the county, and also the needs of lawyers, business men, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by The Historical Records Survey attempt to do more than give merely a list of records—they attempt further to sketch in the historical background of the county or other unit of government, and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

The successful conclusion of the work of The Historical Records Survey, even in a single county, would not be possible without the support of public officials, historical and legal

specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey was organized and has been directed by Dr. Luther H. Evans, and operates as a nation-wide project in the Division of Professional and Service Projects, of which Mrs. Florence Kerr, Assistant Administrator, is in charge.

F. C. HARRINGTON
Administrator.

PREFACE

The survey of local public records in Indiana was instituted on February 19, 1936, as a part of a nation-wide undertaking under the supervision of Dr. Luther H. Evans. Samuel J. Kagan, Archivist in the Indiana State Library, was assigned to lead the project as State Director. In the beginning the Survey was closely associated with the Federal Writers' Project. On September 23, 1936, The Historical Records Survey was nominally as well as factually made independent of the Writers' Project. In general, it has from its very inception acted as a separate and independent unit of Federal Project No. 1.

The inventory proper is preceded by a number of introductory essays to enlighten the reader concerning facts and events forming the background and basis of the records. The entries for the record series are carried in consecutive numbering for the county. The bureaus are arranged in functional order: Governing boards; major administrative offices; judicial offices; and financial, election, educational, health, public welfare, engineering, and other groups. Whenever applicable, natural groupings under separate headings are made within the bureau, and the entries are arranged thereunder also according to functional sequence. An extensive index will aid the reader to locate records with a minimum of inconvenience and effort.

The field work of the survey of Clay County records was begun on March 9, 1936, under the district supervision of Mrs. Katherine Smith, of Terre Haute, who was later succeeded by Marion Arvin, of Terre Haute. The field workers were Barney Dyer and Constantine Alfert, both of Terre Haute. The original survey was completed on April 17, 1936. Many visits to the courthouse, however, have since been made by revisers to check and recheck the information contained herein, the final recheck being made from January to May, 1939, by field workers under the district supervision of James L. Lesane, of Terre Haute, and by emissaries from the State Office of The Historical Records Survey.

The editing of this inventory has been conducted by an editorial staff whose labors we deeply appreciate and wish to recognize forthwith: Frank E. Ross, Editor-in-Chief, under whose supervision the final manuscript was prepared for publication; Dr. J. Harley Nichols, historical research; W. Davis Hamilton, legal research; Marshall Cowgill, field supervision and final review of entries; Daus John Summers, proofreading and indexing; and Fred S. Knodle, cartography. The housing essay was written by Richard Ira Nation.

The original survey was made and checked at the record depositories at the county-seat. The entries were compiled in the form of this inventory in the district office at Terre Haute. Of the industrious and painstaking devotion to his task of each and every person who had a part in the Survey we are keenly aware, and we regret that we cannot commend by name all those whose services have contributed to the publication of this volume.

The Survey is indebted to county officials; to the State Works Progress Administration; to John K. Jennings, State Administrator; to Mildred E. Schmitt, Director of Professional and Service Projects, who has rendered the Survey a great personal service in the administering of the project; to Herbert P. Kenney, Director of the Legislative Bureau, who placed the facilities of the bureau at our command at all times; and to Dr. Christopher B. Coleman, Director of the Indiana Historical Bureau, who has given technical service to the project and has helped in preparing this volume for publication.

Five hundred copies of this volume have been printed. Copies have been distributed without charge to state libraries, to various governmental offices, and other depositories throughout state and nation. Copies will also be distributed within the county, upon request, to all persons, public offices and institutions having occasion to use county records.

SAMUEL J. KAGAN

State Director, The Historical Records Survey

Indianapolis, Indiana

June 1939

THE HISTORICAL RECORDS SURVEY
Luther H. Evans, National Director
Samuel J. Kagan, State Director

DIVISION OF PROFESSIONAL AND SERVICE PROJECTS
Florence Kerr, Assistant Administrator
Mildred E. Schmitt, State Director

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CLAY COUNTY OFFICIALS
1939

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James Warrick

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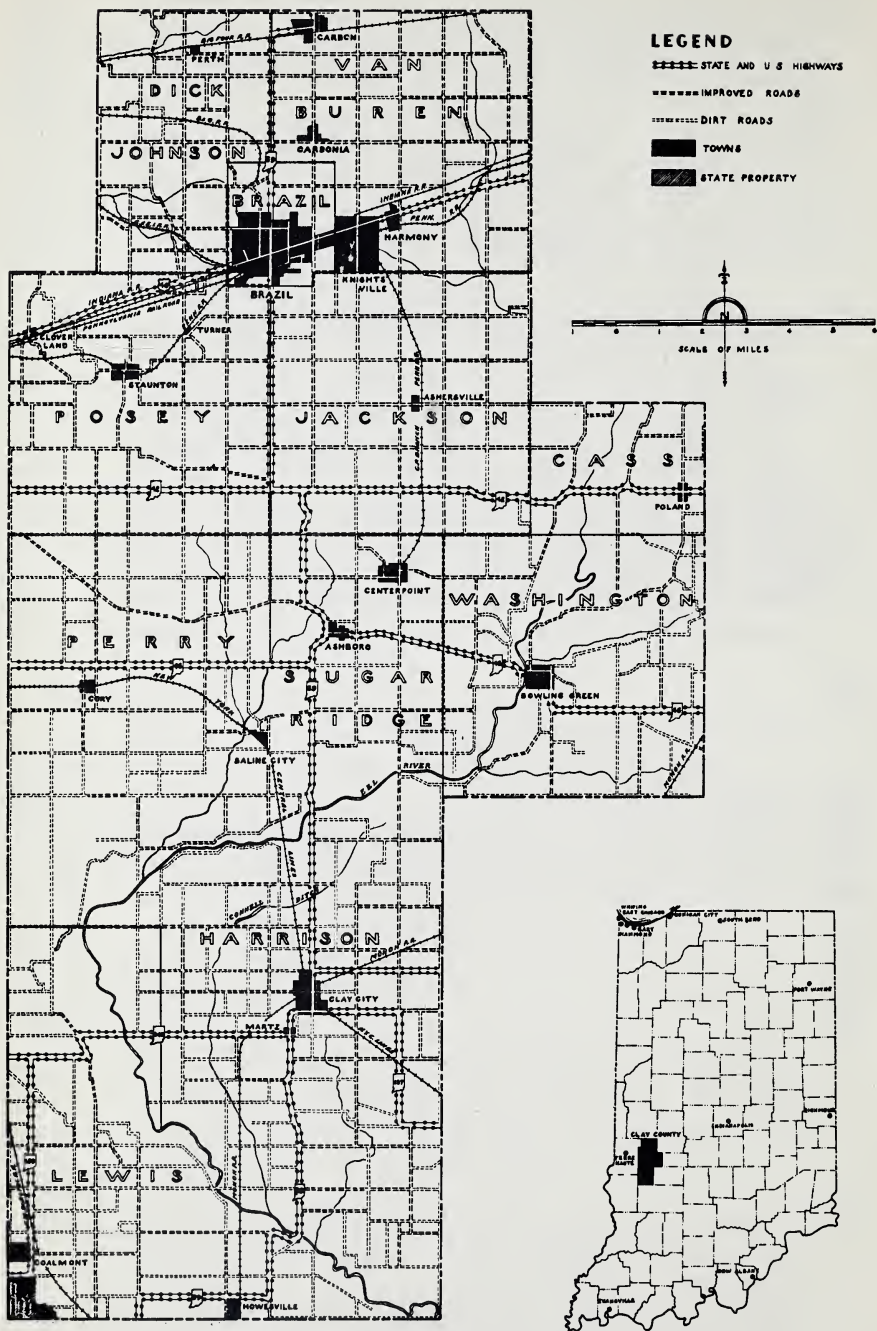
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MAP OF CLAY COUNTY

PART A. CLAY COUNTY AND ITS RECORDS SYSTEM

1. HISTORICAL SKETCH

Clay County, situated in western Indiana, has an area of 361 square miles, or 231,040 acres. Its greatest length is about thirty miles and its greatest width sixteen miles. By counties it is bounded on the west by Sullivan and Vigo; on the north by Parke and Putnam; on the east by Putnam and Owen; and on the south by Owen and Greene. It lies between the 29th and 40th parallels, north latitude, and is crossed by the 87th meridian, west longitude. The county has an annual rainfall of about 40 inches, a mean annual temperature of about 53° Fahrenheit and an average growing season of about 180 days or approximately one half the year. The highest point in the county is 740 feet above sea level, and the lowest about 505. The average elevation is about 625 feet.¹

DRAINAGE AND TOPOGRAPHY

Clay County lies in the physiographic region designated as the Wabash lowlands, an area comprising about 4,900 square miles in southwestern Indiana and extending into Illinois and Kentucky. The county lies wholly in the Wabash drainage basin. Eel River, the largest of the streams of the county, enters the county through Cass Township, flows almost across the county in a southwesterly direction, is deflected to the southeast, and after leaving the county at its southeast corner flows into the west fork of White River at Worthington, in Greene County. Birch Creek, the largest of the tributaries of Eel River in Clay County, rises in the neighborhood of Brazil, flows southward across Jackson Township and after cutting across the northwestern corner of Sugar Ridge Township, forms the boundary between that township and Perry

¹ George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County*, 288-89 (Indiana Historical Collections, vol. 19). Indiana State Planning Board, *Preliminary Survey of County Planning Problems in Indiana Counties* (typewritten, 1935-36), Clay County section. *Year Book of the State of Indiana for the Year 1936* (1937), 876. *Summary of Climatological Data for the United States* (1916), sec. 68:3-5.

Township and discharges into Eel River, making a pocket with the latter river somewhat like that made by the Wabash and the Ohio. Croy's Creek enters the county from Parke County, flows southward across the eastern side of Van Buren Township, crosses the northeastern corner of Jackson Township, and after entering Putnam County, re-enters Clay County across the northern boundary of Cass Township, and flows into Eel River about a mile south of the county line. The extreme north-western corner of the county is drained by Otter Creek which discharges into the Wabash in Vigo County, about six miles north of Terre Haute.²

Generally speaking the surface of the county is level, especially the western half. Some broken country occurs along the eastern boundary, especially along Croy's Creek and eastward from Eel River in Washington Township. The north and south fork of Otter Creek cut deep into the general level, producing some rough country. In general, however, the streams have not channeled deeply and their slopes are gentle. Some of the streams have broad bottoms, that of Eel River becoming as much as five miles wide before it leaves the country.³

In general the soils may be divided into two groups, the upland group and the bottom group, together comprising six different types. Of these, the upland type, Knox silt loam, derived from the drift material and the loess of glacial origin, is the most extensive. It is a silt loam varying in color from light ash gray through varying shades of yellow and brown. The soil is naturally a productive type but its organic content is low and a good rotation of crops is necessary to insure the best results. Much of the rougher land is used for pasture. The other types of the upland group occupy a very limited area.⁴

The Wabash loam and silt loam types are the soils found in Eel River bottom and the tributary streams. The Wabash loam is a light brown to a yellowish brown loam about ten inches deep, and usually contains a high percentage of fine sand and in some places gravel. The soil is easily cultivated and produces good crops, especially of corn. The Wabash silt loam is dark brown or black to a depth of two feet or more. The sand content of the better type is often as high as fifteen or twenty percent. This soil is exceedingly well adapted to

² *Handbook of Indiana Geology* (1922), 81, 102.

³ *Indiana Geological Reports*, 1898, p. 518.

⁴ *Ibid.*, 1911, pp. 169-76.

corn; one field, after being continuously in corn for fifty years, produced forty-five bushels per acre.⁵

Wabash clay loam comprises an area of more than 3,000 acres in the southwest corner of Perry Township, the site of the Old Reservoir. The soil varies in color from ashy gray to white. The soils are of a very productive type, but drainage presents a difficult problem.⁶

FLORA AND FAUNA

Much of the county was originally heavily timbered. On the bottom lands grew white burr and water oak, shell-bark hickory, ash, beech, gum, elm and other varieties. Sycamore and cottonwood grew on the margin of the streams. On the highest ground grew black-walnut and burr-oak. On the uplands grew red, black, and white oaks, smooth hickory, sugar-maple, beech and some ash. On the strongest upland grew an abundance of poplar. The undergrowth consisted of red-bud, sassafras, dogwood, pawpaw, black-haw, hazel, etc.⁷ Of the smaller plants, there was the usual wide variety native to southern Indiana.

The animal life of the county included the buffalo, bear, wolf, fox, beaver, panther, raccoon and a large number of smaller animals. In Parke and Putnam Counties remains of the mastodon have been found, so it is reasonable to suppose that this prehistoric animal was also native to what is now Clay County.⁸

THE ABORIGINES AND EARLY INDIANA

It is not known who the aboriginal inhabitants of Clay County were. The presence of mounds, some of which have been opened, indicates that the mound-builders at one time resided within its boundaries.⁹ We know, also, that the region was claimed by the Miami, Piankashaw, Wea, Potawatomi, and Delaware Indians.

⁵ *Ibid.*, 179-83.

⁶ *Ibid.*, 183-88.

⁷ William Travis, *A History of Clay County, Indiana* (1909), 1:5.

⁸ *Indiana Geological Reports*, 1911, pp. 711, 712.

⁹ Charles Blanchard, *Clay and Owen Counties, Indiana* (1884), 27. For a discussion of the mound-builders see Frederick Webb Hodge, *Handbook of American Indians North of Mexico* (1912), 1: 949-51.

The French erected three important trading posts in Indiana in the 18th century, but made little effort to colonize the country. They were interested in fur trade and empire, which were, in their eyes, quite compatible with Indian occupation. In 1705 twenty thousand hides and skins are said to have been shipped from the Wabash country. It is not unlikely that some of these were procured on Clay County soil.¹⁰ In the next half century this activity greatly increased.

In 1763, as a result of the French and Indian War (the Beaver War, as Pontiac called it), the French colonial empire in America, once so imposing from a territorial point of view, came to an end, and by the treaty of Paris that closed the war, the eastern half of the Mississippi Valley, along with Canada, became British.

During the American Revolution, General George Rogers Clark conquered the western country in 1778 and 1779, and the Virginia legislature, in December 1778, created the "County of Illinois" for the government of Virginia citizens residing on "the western side of the Ohio." After the Revolution, the Ohio Valley was claimed by several of the states, upon the basis of their colonial charters from British monarchs. These claims were finally ceded to the United States, and by the Ordinance of 1787, Congress created the Northwest Territory for the government of the western country.¹¹ A few months after the establishment of the territorial government, Knox County, comprising Indiana and parts of Ohio, Michigan, Wisconsin, and Illinois, was created (1790).¹²

By the treaty of Greenville, August 3, 1795, delineating the boundary between the Indian tribes and the United States, most of Indiana was reserved to the savages for their hunting grounds. Almost at once, however, the United States Government began constricting the lines of the Indian country, a policy that culminated, insofar as Clay County is concerned, in the treaties of September 30, 1809 and October 3, 1818. By these treaties the savages yielded their claims to the present Clay County.¹³

¹⁰ B. A. Hinsdale, *The Old Northwest* (1888), 50.

¹¹ C. E. Carter, editor, *The Territorial Papers of the United States*, 2:3 et seq. John G. Rauch and Nellie C. Armstrong, *A Bibliography of the Laws of Indiana, 1788-1927*, introduction.

¹² William H. Smith, editor, *The St. Clair Papers*, 2:166n.

¹³ "Treaties between the U. S. and the Indian Tribes," *The Public Statutes at Large of the U. S. A.*, 7:49-54, 113-16. Charles J. Kappler, *Indian Affairs. Laws and Treaties*, 2:30-34, 73-75, 118-19 (printed as U. S. Senate Document No. 452, 57 Congress, 1 session).

WHITE SETTLEMENT

Provision for white ownership and occupation of the land did not wait upon the extinguishment of Indian titles. In 1796 provision was made by Congress for the rectangular system of survey. By a law of the same year, a minimum price of two dollars per acre was placed on public land. By an act of 1820 the minimum price was lowered to \$1.25 and provision was made for the sale of lands in tracts as small as 80 acres. The same act abolished the credit system of sales provided for by acts of 1796 and 1800, the working of which had not been entirely satisfactory.¹⁴

To facilitate the transfer of lands from public to private ownership, land offices were established at Vincennes in 1804, at Jeffersonville in 1807, Terre Haute, 1819, Brookville, 1821, and Fort Wayne in 1822.¹⁵ The volume of business transacted at the land office was very great, so great in fact that the expression "A land office business" came to be used to characterize a business activity of unusual volume and briskness. With the way thus prepared the state was rapidly settled.

Most of the early settlers were from the South. It is believed that David Thomas, a native of Virginia, who in 1814, according to one author, or in 1818, according to another, located on Eel River about a mile north of the present site of Bowling Green, was the original settler in Clay County. Thomas bought out the Indians who lived in a village of about forty wigwams on the opposite side of the river, paying for their lands with green corn or roasting ears. He assisted the Indians to move their belongings across the hollow on to the next hill and they assisted him to build his cabin. The good will thus manifested continued until the Indians left the county.¹⁶ Early in 1819 Samuel Rizley settled in the same locality, and on February 13, 1820, there was born to him a daughter, Eliza Rizley, the first white child born within the present limits of Clay County, later to become the wife of Simeon Stacy.¹⁷

As early as 1821, Peter and John Coopridger, Robert Grose and James Delay, and a year later James Briley, Elijah Rawley

¹⁴ Benjamin Horace Hibbard, *A History of the Public Land Policy* (1924), 82-100.

¹⁵ Acts, 8th Congress, 1st session, ch. 25; 9th Congress, 1st session, ch. 94; 17th Congress, 1st session, ch. 126.

¹⁶ Travis, *op. cit.*, 1:13; Blanchard, *op. cit.*, 164-65.

¹⁷ Travis, *op. cit.*, 1:13.

and Elijah Mayfield settled on the highlands and bluffs on the west side of Eel River, south of Splunge Creek. An error made in the Vincennes land office invalidated the entries of the Coopriders and they later settled on the sand hill on the present site of Middlebury.¹⁸

In 1825 the most populous area was in the neighborhood of Poland, where settlers began to arrive about 1820.¹⁹ First settlements were made in Harrison Township in 1823 or 1824 and in Posey Township about the same time. The first permanent location in Van Buren Township was made by Matthew Cox in 1826. Squatters were in Sugar Ridge Township as early as 1820, among whom was Thomas Little, a pioneer preacher. William Christy, a native of Ohio who located in the central part of the township in 1825, was one of the earliest settlers in Perry Township. James Green, who located on Birch Creek in 1828 was probably the first settler in Jackson Township. Brazil Township was the last to be settled, James Campbell, who located near the present site of Brazil in 1838, being the first settler.²⁰

CREATION AND ORGANIZATION

Clay County, named for Henry Clay, who, because of his magnetic personality and the policies he advocated, was extremely popular in western pioneer communities, was created by the Indiana General Assembly in an act approved February 12, 1825, effective April 1, 1825.²¹ Previously the county had been a part of Knox County, Northwest Territory (1790); Knox County, Indiana Territory (1800); Sullivan County, State of Indiana (1816); divided between Sullivan, Vigo and Owen (1818); made part of Owen, Sullivan, Vigo, and Wabash (1820); and divided among Owen, Putnam, Sullivan, and Vigo (1821).²²

The boundaries of the new County of Clay were described in the law of February 12, 1825:

"Beginning at the south west corner of township numbered nine, of range number seven; thence east ten miles; thence north twelve miles; thence east six miles; thence north nine

¹⁸ *Ibid.*

¹⁹ *Ibid.*, 15.

²⁰ Blanchard, *op. cit.*, 142, 183, 207, 228, 255, 273, 286.

²¹ Acts 1825, ch. 15.

²² Pence and Armstrong, *passim*.

miles; thence west four miles; thence north nine miles; thence west ten miles; thence south six miles; thence west two miles; and thence south twenty-four miles to the place of beginning."²³

On February 12, 1825 the governor of Indiana appointed Jesse McIntire sheriff of Clay County. Subsequently the governor commissioned other officials: Elijah Rawley, recorder and clerk of the circuit court (June 6); William Maxwell and Daniel Walker, associate judges of the circuit court (June 6); and John Wheeler, coroner (August 22).²⁴

THE COUNTY SEAT

The state commissioners, chosen by the Indiana legislature to select a seat of justice for Clay County, met at the home of David Thomas on Eel River on the second Monday in May 1825. After a tour of inspection of places which included, it is said, the uplands as far west as Birch Creek, and the table land north of the old Adam Moon place, the commission selected as the site for the county seat the present location of Bowling Green, then "A beautiful and attractive spot, a green velvety lawn, high and dry, timbered with almost perfect specimens of walnut, poplar, and sugar."²⁵

The location had the advantage of being on Eel River which gave promise when cleared of obstruction of becoming an important artery of trade, especially for flatboats bound for New Orleans. It had the further advantage of being centrally located with respect to north and south distances, but was off center with respect to east and west, being located east of the line that forms the eastern boundary of the northern portion of the county.

Sentiment for relocating the county seat, soon became strong and insistent, at least four towns—Aquilla (1838), Jonesboro (1838), Bellaire (1852), and Ashboro (1858)—being laid out with the idea of bidding for it.²⁶ An act of the Indiana legislature of February 13, 1843 provided for the holding of an election on the first Monday of the following August to vote on the question of "re-location" or "no re-

²³ Acts 1825, ch. 15, sec. 1.

²⁴ Executive Proceedings, 1823-36, p. 114.

²⁵ Travis, *op. cit.*, 1:19.

²⁶ Ernest V. Shockley, "County Seats and County Seat Wars in Indiana," *Indiana Magazine of History*, March 1914.

location."²⁷ The sentiment of the people at this time determined by the election favored "no re-location."

The question was opened again eight years later, when on November 30, 1851 the courthouse burned. On February 23, 1853 a bill was passed by the Indiana legislature providing for the appointment of commissioners from outside the county to select a site for the county seat and to receive donations for the erection of a new courthouse.²⁸ In vetoing the law, Governor Wright assigned as his reason that it was a local law designed to operate only in Clay County and was therefore contrary to the provision of the Constitution of 1851 prohibiting local legislation.²⁹ Meanwhile forces were at work which were to increase the relative importance of the northern part of the county, resulting in the removal of the county seat to Brazil. With a view to aiding the accomplishment of that purpose, petitions were presented to the board of commissioners in September 1871. The petitions were granted by the board,³⁰ but the opponents of relocation began litigation. Finally, in 1872, the Indiana Supreme Court affirmed a decision of the Clay Circuit Court dismissing the case upon the ground that no appeal could be taken from the decision of the board of commissioners.³¹

Due to the destruction of county records by fire in 1851, we do not know positively when the board of commissioners first assembled, but it was probably at the home of David Thomas on Eel River in May 1825.³² An early action taken was the division of the county into townships. Subsequently the number of townships was increased until the present total of 11 was reached: Brazil, Cass, Dick Johnson, Harrison, Jackson, Lewis, Perry, Posey, Sugar Ridge, Van Buren, and Washington.³³

TAXATION

The first taxes in Clay County were scheduled by the Indiana legislature:

²⁷ Acts 1842-43 (local), ch. 123, sec. 1.

²⁸ Acts 1853, ch. 21.

²⁹ *Journal of the Senate of the State of Indiana during the Thirty-Seventh Session . . .* (1854), 436-41.

³⁰ Commissioners' Record, 5:40 *et seq.*

³¹ *Bosley et al. v. Ackelmire et al.*, 39 Indiana 536-39.

³² Travis, *op. cit.*, 1:19.

³³ *Year Book of the State of Indiana for the Year 1936 (1937)*, 876.

"horse, ass or mule over 3 yrs not exceeding 37½ cents annually; on covering horses once the rate at which they stand the season each; Work oxen 3 yrs old not more than 18¾ cents; on each two wheeled pleasure carriage, one dollar; on each 4 wheeled pleasure carriage, one dollar and fifty cents; on each brass clock one dollar; on each silver or pinch back watch, twenty-five cents; on each gold watch one dollar; on each license for retailing spiritous liquors not less than five; nor more than twenty-five dollars."³⁴

A ferry was established near Bowling Green before the creation of Clay County. It was operated by David Thomas and, save for temporary suspension, by the Thomas family until the building of a bridge about 1870.³⁵

COUNTY ORDERS

The new county was poor at first, and, like other Indiana counties, issued county orders to pay for operating expenses. The orders circulated as currency (often discounted) and many peculiar transactions occurred. In December 1852, for example, the board of commissioners, in their minutes, "Ordered that A. W. Loudermilk be allowed seven dollars and fifty cents for an order burnt in the Court house for services as Baliff."³⁶

In some counties, officials would purchase orders at a discount, then take official action to redeem them at face value. To prevent such nefarious practices the legislature, by a law enacted in 1831, compelled all persons doing county business to take oath that they would not, "either directly or indirectly, purchase, or receive in payment, exchange, or in any way whatever, any demand against his county, or any county order for a claim allowed by the board doing county business, at any time during the period for which he may be elected, for a less amount than that expressed on the face of such order or demand against the county . . ."³⁷

COUNTY INSTITUTIONS

There was no county almshouse during the early years of

³⁴ Revised Laws 1824, ch. 86, sec. 1.

³⁵ Travis, *op. cit.*, 1:67.

³⁶ Commissioners' Record, 1:131.

³⁷ Revised Laws 1831, ch. 20, sec. 19.

Clay County. Paupers were "farmed out" in the homes of citizens, who were paid by the county. A typical case appears in the minutes of the board of commissioners in 1852: "Ordered that David Nuckalls be allowed fifteen dollars and 25 cents for keeping George Taylor a Pauper of Washington Township."³⁸ Occasionally paupers objected to living in the homes of the persons to whom they were bound out by the board. In May 1853 the commissioners entered in their minutes that a pauper named

" . . . Charity Idol was on the second day of the present month assigned to the care of Geo. Donham for maintenance the present year on the terms named above.

"On being informed of it she refuses to go there or to leave the place where she is now living.

"The trustees are of the opinion that by Voluntary rejecting the provisions offered her for support she has assumed the care and support of herself and is now therefore no longer a County charge . . . "³⁹

However, Charity Idol was still on relief in 1860, at which time Adam B. Moon, superintendent of the county asylum, reported that she was "in tolerable health, works some . . . " and added that she cost the county 50 cents per week in expenses.⁴⁰ Inmates of the poor farm, which had been established in 1856,⁴¹ were expected to work. In his report for 1860, Superintendent Moon listed the following crops grown at the county asylum: 161 bushels of wheat, valued at 60 cents per bushel; 611 bushels of corn, 20 cents per bushel; 75 bushels of buckwheat, 50 cents per bushel; 30 bushels of oats, 20 cents per bushel; 63 bushels of turnips, 10 cents per bushel; 30 bushels of potatoes, 25 cents per bushel; eight bushels of beans, 50 cents per bushel; and eight tons of hay, \$5 per ton.⁴²

The system of dealing with paupers through home relief and the county poor farm was supplemented, in the 1930's, by a federal relief program.

³⁸ Commissioners' Record, 1:40.

³⁹ *Ibid.*, 178.

⁴⁰ *Ibid.*, 2:34.

⁴¹ Travis, *op. cit.*, 1:189.

⁴² Commissioners' Record, 2:34.

EDUCATION

An early state law provided that certain fines, penalties and forfeitures should accumulate in each county to found and maintain a county seminary.⁴³ Subsequently a law provided that when the seminary fund in a county should reach the amount of \$400 the trustees of the fund might procure a site and erect a seminary building.⁴⁴ For more than 40 years the Indiana legislature sought to promote education through county seminaries. The results at all times were far from the goal of the legislature. There were many reasons for the failure of the county seminaries. The moneys went into the general funds and trustees of the seminary fund often had no record of what moneys belonged to them. Such information could be obtained from the court records but this task was beyond the capacities of the trustees. Also, officials were authorized to loan the seminary funds⁴⁵ and this was too convenient to be resisted.

In Clay County the county seminary was organized on February 2, 1837,⁴⁶ but due to the destruction of county records by fire we have little information concerning the seminary. A building was erected for the seminary in 1839. In the end a state law directed the sale of all county seminary property in Indiana and the transfer of county seminary moneys to the common school fund.⁴⁷

Early schools in Clay County, as elsewhere in pioneer communities, were primitive in character. In 1825, the year in which the county was organized, a schoolhouse, a crude structure made of sound poles, into which the light was admitted through greased paper, was built on the present site of Poland. Either this or a similar building erected on Eel River two miles north of Bowling Green, was the first schoolhouse erected in the county. Either Samuel Rizley or Jared Peyton was the county's first teacher.⁴⁸

Gradually the educational standards of the county were raised. Ebenezer C. Smith of Posey Township, one of the three examiners appointed in accordance with a provision of the school law of 1853, reported to the state department that

⁴³ Acts 1822-23, ch. 63. W. J. Wakefield, "County Seminaries in Indiana," *Indiana Magazine of History*, June 1915.

⁴⁴ Revised Laws 1831, ch. 90, secs. 17-20. Revised Statutes 1838, ch. 98.

⁴⁵ Acts 1818-19, ch. 9.

⁴⁶ Acts 1836-37 (local), ch. 29. Wakefield, *loc. cit.*

⁴⁷ Revised Statutes 1852, ch. 97.

⁴⁸ Travis, *op. cit.*, 1:82.

while standards were rising there was still a lack of system in giving instruction in the schools of the county. This he attributed to the wretched condition of the schoolhouses rather than to lack of capacity of the teachers. He had refused to grant licenses to all applicants who had not some knowledge of English grammar, he said.⁴⁹

At the June session of the board of commissioners of 1861, Samuel Loveless, then teaching at Bowling Green, was named first school examiner for the county under the law of 1861. In 1865 he was succeeded by William Travis of Center Point. In 1868 William H. Atkins succeeded to the office.⁵⁰

In 1867 the first graded school in Clay County was conducted in a two-story schoolhouse erected in Center Point at a cost of \$2,400, of which sum \$600 was contributed by the township and the remainder raised by popular subscription. In 1870 an educational association composed of substantial citizens of the community was organized there for the purpose of establishing a school which would offer instruction beyond the grades. Of the school thus organized W. T. Cathcart became the first principal.⁵¹

Brazil's public school system dates from the year 1869 when a brick building was erected for school purposes on North Meridian Street. Until 1866 the schools of the time were under the management of the trustee of Dick Johnson Township. The first superintendent of the Brazil schools was E. R. Smith who was superintendent during the year 1870-71.⁵²

EARLY MILITARY ACTIVITIES

Near the close of the first quarter century of its existence, Clay County was agitated by the Mexican War to which it sent two companies. Company D of the Second Regiment of Indiana Volunteers, John Osborn of Bowling Green, Captain, was mustered into service at Terre Haute in July 1846. After participating in some of the most sanguinary battles of the war, it returned home in the spring of 1848. Company H of the Fourth Indiana Infantry was mustered into service at Terre Haute in June 1847, and started at once for Mexico where, under the command of General Taylor, it participated in the battles of Humantley, Puebla, Atlixico and several minor en-

⁴⁹ *Ibid.*, 83, 84.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, 85, 86.

⁵² *Ibid.*, 88.

gements. From November 1847 to March 1848 it was stationed at Pueblo from which place it was sent home at the close of the war.⁵³

In the Civil War, Clay County contributed 2,000 enlistments, not counting those drafted. For local bounties, relief of soldiers' families and other purposes the county commissioners appropriated \$85,000. An additional sum of \$32,700 was appropriated by the townships, making a total of \$117,700 contributed by the people of the county in addition to enormous federal and state taxes.⁵⁴

CHURCHES

In the absence of churches the earliest pioneer settlers in Clay County, as elsewhere, contrived means of satisfying their religious longings. This was done at first by the singing of hymns, prayers, and the reading of the Bible in the homes by a single family or by several families assembled together. Occasionally an itinerant preacher visited the community. An example of this was the appearance of John Benham near Middlebury in 1827. Benham was an eccentric individual who styled himself an evangel belonging to Christ. Some time before his coming the community was notified that he would be at the home of John Coopridner at 10 o'clock on a certain day, for the purpose of holding services. At the appointed hour and place Benham appeared and announced that he was the person scheduled to preach, and since the hour had arrived he would begin. At the close of his sermon, which was said to have been a very able one, he departed and was never seen in the neighborhood again.⁵⁵

The first church to be organized in the county is said to have been the Eel River Primitive Baptist Church in Cass Township some time prior to 1830. A log house was erected as a place of worship.⁵⁶ The Good Hope Baptist Church at Middlebury likewise dates from about 1830. The United Brethren Church there was organized somewhat later. In 1833, a Presbyterian Church was organized in the southwestern part of Harrison Township.⁵⁷

⁵³ Blanchard, *op. cit.*, 136-37.

⁵⁴ *Ibid.*, 128.

⁵⁵ Blanchard, *op. cit.* 194-95.

⁵⁶ Travis, *op. cit.*, 1:390.

⁵⁷ Blanchard, *op. cit.*, 195.

Prominent among the early religious communities in Cass and Washington Townships was the German establishment identified with the "General Synod of Reformed Churches in the United States," organized in 1840. In 1844 a log church was built near Poland of which Reverend Gerhard H. Zumpe was the first pastor. United Brethren, Methodist, and Christian churches were organized in Washington Township at early dates.⁵⁸

The oldest religious establishment in Posey Township was the Cloverland Baptist Church organized about 1840. The Methodists and Christians also appeared early in that township.⁵⁹ The Ebenezer Methodist Church in Van Buren Township was organized in 1839. Several years prior to that date, Elder Case, a pioneer preacher of the township, conducted services north of Harmony.⁶⁰ About the same time Samuel Little conducted the first public worship in Sugar Ridge Township. In 1843 a United Brethren Church was organized at Center Point. In Perry Township the Baptists effected the first organization, a church of that denomination being organized there some time before 1843. Several years before, Isaac Denman, a pioneer Baptist preacher had preached there.⁶¹

As early as 1825, Elder William Yocum, a Christian minister, held public worship in Dick Johnson Township. The Bee Ridge Church was organized in 1829 and the Lodi Christian Church in 1835.⁶² In Jackson Township the Methodists took the lead, the circuit riders of this denomination appearing at an early date.⁶³ The Methodists organized the first church in Brazil in 1839.⁶⁴

TRANSPORTATION

The problem of transportation was perhaps the most difficult of the problems confronting Clay County. By an act of the Indiana legislature of January 19, 1829, Eel River from Croy's Mill in Putnam County to its junction with White River was declared a public highway and the board of commissioners

⁵⁸ *Ibid.*, 168-72.

⁵⁹ *Ibid.*, 218.

⁶⁰ *Ibid.*, 226.

⁶¹ *Ibid.*, 268, 271, 278, 281.

⁶² *Ibid.*, 323.

⁶³ *Ibid.*, 296-97.

⁶⁴ *Ibid.*, 155.

of Clay County was authorized to appoint one or more commissioners to superintend the clearing of the obstruction from the river.⁶⁵

By an act of January 4, 1830, the sum of \$300 was appropriated from the three percent fund for the purpose of removing drifts and other obstructions to navigation from the river. John Rizley was appointed commissioner to draw and expend the same.⁶⁶ By an act of February 7, 1835, it was provided that the board of commissioners might, if they deemed it expedient, lay off as many districts along the river as they deemed proper, appoint a commissioner for each district, and assign all hands within four miles on each side of the river to work the same for any length of time not exceeding four days in any one year.⁶⁷

In 1832 the survey for the National Road was made through the northern part of the county.⁶⁸ The completion of the road through the county did much to give the hitherto backwoods community vital contacts with the outside world. "Uncle Joe" Cannon, a part of whose journey from his boyhood home in North Carolina to Parke County was made over the National Road, says of it:

"The National Pike in 1840 was the most crowded thoroughfare in the country, with more life compared to the rest of the country then the Great White Way in New York now. . . It was the great connecting link between the East and West. . . We were never out of sight, and almost in intimate company, with people from all parts of the country. There were Senators and Representatives, Governors and Judges, prominent business men and lawyers, traveling in gayly painted coaches drawn by fine horses with handsome trappings as for a county fair; and they traveled rapidly over the smooth highway with the drivers cracking whips and blowing horns as they approached the stage stations."⁶⁹

As great as the influence of the National Road was on Clay County, it did not solve the problem of getting its surplus commodities to market and obtaining manufactured products in return. Much was expected of the Wabash and Erie Canal by way of supplying this need. The *Lafayette Mercury* doubt-

⁶⁵ Acts 1828-29, ch. 4^c, secs. 1, 2.

⁶⁶ Acts 1829-1830, ch. 58.

⁶⁷ Acts 1834-1835 (local), ch. 88.

⁶⁸ Travis, *op. cit.*, 1:35.

⁶⁹ L. White Busbey, *Uncle Joe Cannon, The Story of a Pioneer American*, (1927), 12-15.

less expressed the sentiments all along the proposed route when it said relative to the canal: "Not only would our markets improve from the facilities to send off our produce, cash flow in, instead of out, as is the case now, and merchandise be cheaper, but the whole section of the country from here to the Lake, which is now scarcely less than a wilderness, would become a thickly populated region, of enterprise, industry and happiness."⁷⁰

The canal was begun in Fort Wayne in 1832, reached Toledo in the one direction and Lafayette in the other in 1843.⁷¹ In 1849 it was completed to Terre Haute, the first boat reaching that city on October 25 of that year.⁷² The division from Terre Haute to Point Comfort and Worthington was filled with water June 1, 1850, and the first boat traversed the distance six days later.⁷³ Splunge Creek reservoir was completed in 1849 or 1850 and Eel River feeder dam probably somewhat later.⁷⁴ In his report for 1853, the chief engineer reported the Birch Creek Reservoir completed.⁷⁵

Of vital interest to the people of Clay County was the so-called reservoir war: In 1849 a petition signed by residents in the neighborhood of the reservoir was presented to the trustees of the canal praying that the timber be removed from it before filling it with water. By way of answer to the petition, Dr. Ezra Read "a scientific and practical physician", reported that in view of all the circumstances, and from all the evidence, together with his own observation, he was fully persuaded that it was entirely unnecessary, for sanitary reasons, to remove the timber save from that portion on the margin of the reservoir which would be alternately covered with water.⁷⁶

⁷⁰ Quoted in Elbert Jay Benton, *The Wabash Trade Route in the Development of the Old Northwest* (1903), 38.

⁷¹ *Ibid.*, 48-62.

⁷² "Annual Report of the Trustees of the Wabash and Erie Canal to the General Assembly of the State of Indiana, 1849," *Documents of the General Assembly of Indiana, Thirty-Fourth Session* . . . , 273.

⁷³ *Annual Report of the Trustees of the Wabash and Erie Canal to the General Assembly of the State of Indiana, 1851*, p. 145.

⁷⁴ "Annual Report of Resident Engineer to the Chief Engineer of Wabash and Erie Canal, 1849," *Documents of the General Assembly of Indiana, Thirty-Fourth Session*. . . , 282.

⁷⁵ "Annual Report of the Board of Trustees of the Wabash and Erie Canal to the Governor, 1853," *Indiana Wabash and Erie Canal Reports, 1853-74*, pp. 842-43.

⁷⁶ "Annual Report of the Resident Engineer to the Chief Engineer of the Wabash and Erie Canal, 1849," *Documents of the General Assembly of Indiana, Thirty-Fourth Session*. . . , 282-83 .

Despite this report, the conviction grew that the ague and fever prevalent in the neighborhood were due primarily to the reservoir. By an act of the Indiana legislature of March 4, 1853, the governor was authorized to appoint a committee of five "disinterested, competent, and scientific physicians," none of whom should be residents of Clay, Gibson or Vigo, to examine the reservoir with a view to ascertaining its effect on the health of the people in the surrounding country.⁷⁷

The committee consisting of Joseph C. Cook, A. D. Gall, John L. Ford, Samuel Grimes, and Matthew Smith, made an investigation in the summer of 1853 and reported that Splunge Creek reservoir covered an area of about 4,000 acres which previous to inundation was a swamp which flooded at frequent intervals, killing the luxuriant growth. This, together with the alluvial deposit left by the flood, emitted a most offensive smell when the flood had receded. This condition had been improved by the filling of the reservoir. The water which covered the ground from a few inches to fifteen feet was only slightly colored from vegetable matter. The water was in almost constant agitation and seemed free from unpleasant odors. At no point did malaria seem to be generated save at the exposed margin. The committee was of the opinion that there was far less cause for disease after the construction of the reservoir than before. Permanent submerging was all that was needed to greatly improve the health of the people living in the immediate neighborhood of the reservoir.⁷⁸

The opposition was intensified rather than allayed by the report, the aggrieved element charging that the committee's report was the result of corruption. "We call the attention of the citizens of Clay County to the report on Splunge Creek reservoir, in to-day's paper. Those who read it will be more than ever convinced that money is a powerful weapon with which to overcome difficulties," wrote the editor of the *Eel River Propeller*, by way of editorial comment on the report.⁷⁹

On January 25, 1854, the following notice appeared in the *Clay County Advocate*: "There will be a public meeting of citizens of Clay County, without regard to party, to consult upon their interests involved in the erection and maintenance of reservoirs, dams and pools in our county, by the trustees of the

⁷⁷ Acts 1853, ch. 103, sec. 1.

⁷⁸ "Annual Report of the Board of Trustees of the Wabash and Erie Canal to the Governor, 1853, *Indiana Wabash and Erie Canal Reports 1853-74*, pp. 831-902.

⁷⁹ *Eel River Propeller*, September 10, 1853, quoted in Travis, *op. cit.*, 1:43, 44.

Wabash and Erie Canal. Said meeting to be held at the residence of George Moss, on the 22nd day of February, 1854."⁸⁰

Disregarding popular opposition, the canal trustees, after failing to secure acceptance of their offer of \$7 per acre for removal of the timber, proceeded to fill Birch Creek reservoir. In May 1854 the dam was slightly cut but was discovered in time to prevent serious damage. On June 22, the dam was again cut resulting in most of the water leaving the reservoir and the consequent stoppage of navigation on the canal for a period of three months. Governor Wright offered a reward of \$500 for the "apprehension, arrest, and lodgment in custody of said offenders, or any of them," but to no effect.⁸¹

Soon the situation assumed a more serious aspect for on May 10, 1855, a body of men, one hundred strong, repaired to Birch Creek Dam in open day and cut the dam so completely that all the water escaped. Once more Governor Wright offered a reward of \$500 for the "apprehension, arrest, and lodgment in custody of said offenders, or any of them," but to no effect.⁸² In compliance with the urgent appeal of the canal trustees, two companies of militia were dispatched to the scene of the trouble. No difficulty was encountered, however, and at the end of ten days they were recalled.⁸³ The cutting of the timber on the site of Birch Creek Reservoir at an expense of \$10,000 to the canal company did much to allay popular wrath.⁸⁴ In their annual report for 1856 to the legislature, the trustees of the canal reported the reservoir to be in good condition.⁸⁵

By this time the canal had entered upon a decline, the report of its trustees for 1855 indicating a diminution of receipts over the previous year of \$40,135.80.⁸⁶ The report of the following year indicated a further decline of \$26,976.06.⁸⁷

⁸⁰ Travis, *op. cit.*, 1:45.

⁸¹ *Ibid.*, 45, 46.

⁸² *Ibid.*, 48.

⁸³ *Ibid.*, 49, 50.

⁸⁴ *Ibid.*, 51.

⁸⁵ "Annual Report of the Board of Trustees of the Wabash and Erie Canal to the General Assembly, 1856," *Indiana Wabash and Erie Canal Reports, 1853-74*, pp. 276-80.

⁸⁶ "Annual Report of the Board of Trustees of the Wabash and Erie Canal to the Governor, 1855," *Indiana Wabash and Erie Canal Reports, 1853-74*, pp. 119-25.

⁸⁷ "Annual Report of the Board of Trustees of the Wabash and Erie Canal to the General Assembly, 1856," *Indiana Wabash and Erie Canal Reports, 1853-74*, p. 276.

The falling off of receipts continued until in 1874 they were but \$7,179.61. Of this amount, \$5,997.03 was expended for repairs and salaries.⁸⁸

Gradually the canal passed to ruin. By 1869 all traces of the Birch Creek Reservoir were so thoroughly effaced that those engaged in making a geological survey of the county could not determine its exact location.⁸⁹ By 1911 the embankment of the canal had been practically destroyed and only a ditch-like depression marked the line of the canal. A public road ran along its east margin.⁹⁰

The principal factor in the decline of the Wabash and Erie Canal was the coming of the railroad to Clay County. The first railroad to enter the county was the Terre Haute and Richmond, later known as the Vandalia. It was granted a charter by the Indiana legislature by act of January 26, 1847.⁹¹ The survey was made in 1849, the present route being preferred over others that were surveyed.⁹² Construction was begun in 1851.⁹³ The report of the president for 1856 indicated net earnings of \$189,702.76.⁹⁴

Following the Civil War other railroads came to the county. The Big Four was constructed in 1869-70, the Evansville and Indianapolis in 1883, the Chicago and Eastern Illinois in 1885-86, the Central Indiana Railroad (originally known as the Indiana Midland) in 1895, and the branch of the Monon from Wallace Junction on the main line to Victoria in Sullivan County in 1906-07. The Terre Haute and Eastern Traction Company began operations in 1908.⁹⁵

ECONOMIC DEVELOPMENT

The economic history of Clay County may be divided into two periods. The first of these, extending roughly to the Civil War, was characterized by home production and simple

⁸⁸ "Annual Report of the Trustees and Officers of the Wabash and Erie Canal to the Governor. 1873," *Indiana Wabash and Erie Canal Reports 1853-74*, p. 17.

⁸⁹ *Indiana Geological Report*, 1869, p. 21.

⁹⁰ *Ibid.*, 1911, p. 183.

⁹¹ Acts 1846-1847 (local), ch. 23.

⁹² *Report of the President and Engineer of the Terre Haute and Richmond Railroad*, 1849, p. 5.

⁹³ *Exhibit of the Terre Haute and Richmond Railroad Company*, 1851, p. 3.

⁹⁴ *Seventh Annual Report of the President and Directors of the Terre Haute and Richmond Railroad Company to the Stockholders*, 1856, statement no. 1.

⁹⁵ Travis, *op. cit.*, 1: 54-57.

forms of specialization. With the development of better means of transportation and the utilization of the rich mineral deposits that began about the middle of the century a more highly complex and specialized form of economic life began to develop.

Life in the earlier period was necessarily primitive, the earlier settlers subsisting until they could harvest their first crop pretty largely on a meat diet afforded by the animals of the forest. Mills for the grinding of grain and blacksmith shops for the making and repairing of simple tools were among the first specialized industries to appear. The first mills were operated by horse or ox power. Mills of this kind were located at Bowling Green, Middlebury, and elsewhere in the county.⁹⁶ Later on, mills were run by water power. Cromwell's Mill on Jordon River, Rawley's Mill on Eel River, and a mill at Aquilla near the feeder dam were mills of this kind.⁹⁷ In 1850 Thomas Moore erected a sawmill in the western part of Posey Township, operated by steam power, that did a flourishing business in lumber, some of which was shipped down the Wabash.⁹⁸ The Cloverland steam flour mill was erected in 1856 and operated until it was destroyed by fire in 1881.⁹⁹

The first tannery in the county was established by Samuel Miles at Bowling Green in 1832. There were two at Williamstown, one operated by James Townsend and the other by Abram Melvin. Samuel Stigler operated one on Tilghman Creek and another was operated by John J. Schauwecker two miles northeast of Clay City.¹⁰⁰

The first wool carding factory in the county was established by Henry Moss at Bowling Green. Another was established there in 1848 by Samuel Miles. After operating a few years it was destroyed by fire.¹⁰¹ The manufacture of intoxicants was introduced at an early date. Breweries were operated at various points in the county and a distillery owned and operated by Samuel Stigler near the west border of Cass Township was said to be a very popular place of assembly.¹⁰²

⁹⁶ Travis, *op. cit.*, 1:24-25.

⁹⁷ Blanchard, *op. cit.*, 167.

⁹⁸ *Ibid.*, 214.

⁹⁹ *Ibid.*, 214.

¹⁰⁰ Travis, *op. cit.*, 1:26.

¹⁰¹ Blanchard, *op. cit.*, 167.

¹⁰² Travis, *op. cit.*, 1:26-27.

Among the other articles manufactured in the early history of Clay County were articles of furniture, barrels, shingles, spinning wheels, cow bells, grain cradles, and pump stocks. A quarry was operated on Otter Creek bluffs two miles north of Brazil in the forties.¹⁰³

The discovery of coal in Clay County is attributed to Michael Combs, a minister of the Christian Church, who came to the county from Crawfordsville some time in the forties, locating on the site of the town of Staunton. Following his discovery, Reverend Combs mined and hauled coal to Terre Haute in wagons. He was also the first to ship coal from the county by railroad, engaging in this venture for the first time in 1852.¹⁰⁴ The discovery of "block" coal in Clay County was made in 1851 by a man named Hays, of Center Point, who discovered it in a well. About the same time it was discovered near Brazil. In 1852 block coal obtained from the bed of Otter Creek was shipped from the county by John Weaver and Captain Ezra Olds.¹⁰⁵ The distinction of sinking the first coal shaft in the county is claimed for a Professor Lawrence, who in 1853 sank two shafts, both within the present limits of Brazil. From these and others soon to follow, dirt and coal were removed by hand hoists. About 1858 David C. Stundard applied horse power to a hoist.¹⁰⁶ During the next few years the industry developed rapidly, the geological report of 1869 reporting a score or more mines in operation in the county.¹⁰⁷ By 1879 the industry had assumed such proportions throughout the state that the Indiana legislature provided rules for its regulation and created the office of mine inspector.¹⁰⁸

That the county was provided with an abundance of fire and potter's clay admirably adapted to the manufacture of brick, pottery, and terra cotta ware was recognized at an early date. In 1869 Dr. Mansur Wright operated a brick and terra cotta establishment one-half mile north of Brazil. The bricks were moulded by hand, subsequently pressed in a Carnell hand press and stamped "Brazil". The daily production was from 45,000 to 55,000, five thousand being the daily average pro-

¹⁰³ *Ibid.*, 1:27-34.

¹⁰⁴ Blanchard, *op. cit.*, 23.

¹⁰⁵ *Indiana Geological Report*, 1898, p. 3.

¹⁰⁶ Blanchard, *op. cit.*, 23-24.

¹⁰⁷ *Indiana Geological Report*, 1869, pp. 54-57.

¹⁰⁸ Acts 1879, ch. 10.

duction per hand. In the same year, three potteries were being operated in or near Brazil, one by Torbet and Baker, another by Isaac Cordray, and a third by S. H. Brown. The annual output of the potteries was 80,000, 50,000, and 70,000 gallons respectively.¹⁰⁹

In 1869 there were five blast-furnaces in Clay County making pig-iron with raw block coal. Their combined capitalization was \$600,000. They employed 200 men and their daily production was 110 tons valued at \$4,400. They consumed daily 150 tons of Lake Superior and Iron Mountain ore, 300 tons of block coal, and 50 tons of limestone for flux. A furnace at Brazil operated by Garlick and Collins was said to be one of the largest and best managed blast-furnaces in the West. It was built in 1867 at a cost of \$150,000. The height of the furnace was 60 feet, the diameter across the boshes 14 feet, the diameter of the hearth 5 feet, and the diameter of the tunnel-head 6 feet.¹¹⁰

In 1876 Brazil was a town with a population of 2,186. The *Weekly Echo* published there at that time throws light on the community's activities. McClellan and Cummings, dealers in drygoods and notions, were pleased to announce that they had removed to the commodious store room under Turner's Hall, where could be found a full supply of staple articles known to the drygoods trade. Jas. D. Hawkins, dealer in Queensware, glassware, lamps, etc., operated at 17 West Main Street. Joseph Bolinger, manufacturer and dealer in furniture of all kinds, operated on Jackson Street between Walnut and Center. Prescriptions were carefully compounded at Guthrie's Drug Store. Shaw and Stewart's New Drug Store had just opened and was selling at bottom prices. Dougherty and Son operated a livery barn at Meridian and Depot Streets. They maintained good rigs and safe teams at reasonable prices. Wm. E. Kirtley was the proprietor of the Brazil House located on the corner of Main and Meridian Streets. The Eagle Planing and Sawmill, operated by Jno. McDowell, had dressed flooring, siding, lath, shingles, scroll work, and moulding constantly on hands. The Brazil Foundry and Machine Shop, operated by Crawford and McCrimmon, claimed superiority of their coal hoisting machinery over that of all others. According to an arrangement made with the *Indiana Daily Sentinel*, that paper and the *Echo* could be had for one year for \$2.25. The Brazil Bank, of which C. S.

¹⁰⁹ *Indiana Geological Report*, 1869, pp. 80-82.

¹¹⁰ *Ibid.*, 72, 73.

Andrews was president and James Lodge, cashier, did a general banking and exchange business, issued sight drafts on all parts of Europe, and was agent for all the best lines of steamers.¹¹¹

INCOME AND POPULATION

At the present time coal mining and the manufacture of clay products are the principal industries. The greater part of all the block coal mined in Indiana is mined in Clay County.

The chief source of income in agriculture is from live stock, due to the roughness of the soil. Since 1930 the number of part-time farmers has increased, as many unemployed coal miners and factory workers have turned to farming for part of their livelihood.¹¹²

In 1840 Clay County had a population of 5,567. In recent years the population has been as follows: 1890, 30,536; 1920, 29,447; 1930, 26,479.¹¹³ The decrease in population is due to the stagnant condition of industry, produced by the general depression.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

INTRODUCTION

HISTORICAL BACKGROUND

The county system of government is an inheritance from England and the American colonies, whence pioneers brought their customs and laws. Its beginnings in Indiana are found in the Ordinance of 1787, enacted by Congress for the government of the Territory of the United States Northwest of the Ohio River; in the act of Congress of May 7, 1800, creating Indiana Territory; and in the laws of the Northwest Territory, 1788-1800, and of the Indiana Territory, 1805-15, enacted by the territorial general assemblies.

In 1781, 1784, 1785, and 1786, New York, Virginia, Massachusetts, and Connecticut ceded to the United States their claims to all the land north of the Ohio River, comprising

¹¹¹ *Brazil Weekly Echo*, January 13, 1876.

¹¹² Indiana State Planning Board, *op. cit.*

¹¹³ *Compendium of the Enumeration of the Inhabitants and Statistics of the United States, as Obtained . . . from the Returns of the Sixth Census: 1840*, p. 83. *Eleventh Census of the United States: 1890, Population* pt. 1:17. *Fourteenth Census of the United States: 1920, Population*, pt. 1:156. *Fifteenth Census of the United States: 1930, Population*, 3:pt. 1:336.

the present states of Indiana, Illinois, Michigan, Ohio, Wisconsin, and part of the present state of Minnesota. This land became known as the Northwest Territory.¹

The ordinance of 1787 authorized the creation of counties by proclamation of the governor until the organization of the territorial general assembly, and thereafter by the latter;² which authority was continued by the act of Congress creating Indiana Territory.³

The governor of the Northwest Territory, by proclamation of June 20, 1790, created Knox County, embracing all of what is now Indiana (as well as parts of Illinois, Michigan, Ohio, and Wisconsin),⁴ which remained the only county in Indiana's governmental background until 1801.

By an act of May 7, 1800, effective July 4, 1800, Congress divided the Northwest Territory into two parts, the eastern division and the western division. The eastern boundary line of the western division extended from the Ohio River opposite the mouth of the Kentucky River (through the present Indiana counties of Switzerland, Ohio, Dearborn, Franklin, Union, Wayne, Randolph, and Jay; and through the present Ohio County of Van Wert) to Fort Recovery, and thence north (through the present Ohio counties of Van Wert, Paulding, Defiance, and Williams; and through the present state of Michigan) to the boundary line between the United States and Canada. By this act the said western division of the Northwest Territory became Indiana Territory. By an act of Congress of April 30, 1802 (the enabling act for the formation of the state of Ohio) the present north and west boundaries of the state of Ohio were established; and all the land previously included in the eastern division of the Northwest Territory and not retained by said act for the state of Ohio was transferred to Indiana Territory.⁵

By an act of January 11, 1805, effective June 30, 1805, Congress created Michigan Territory out of all that part of Indiana Territory north of a line drawn east from the south-

¹ Burns, vol. 1, pp. 283-87. Clarence E. Carter, editor, *The Territorial Papers of the United States*, 2:3 ff.

² Laws N. W. Terr., Ordinance of 1787, p. 125; Burns, vol. 1, p. 289.

³ U. S. Statutes at Large, 2:58; Burns, vol. 1, p. 296.

⁴ William Henry Smith, editor, *St. Clair Papers*, 2:166n. George Pence and Nellie C. Armstrong, *Indiana Boundaries: Territory, State and County*, 21, 514, 515 (*Indiana Historical Collections*, vol. 19).

⁵ U. S. Statutes at Large, 2:58, 59, 173-75, 201, 202. George Pence and Nellie C. Armstrong, *op. cit.*, 140, 141.

erly extreme of Lake Michigan to Lake Erie, and lying east of a line drawn from said southerly extreme of Lake Michigan through the middle of said lake to its northern extremity thence due north to the northern boundary of the United States. By said act, the southern boundary line of Michigan Territory was placed about 10 miles south of the present northern boundary line of the state of Indiana, and passed through the present Indiana counties of Lake, Porter, La Porte, St. Joseph, Elkhart, La Grange, and Steuben. An act of Congress of April 19, 1816 (the enabling act for the admission of Indiana into the Union) established the present northern boundary line of Indiana.⁶

By an act of February 3, 1809, effective March 1, 1809, Congress created Illinois Territory out of "all that part of the Indiana Territory which lies west of the Wabash River, and a direct line drawn from said Wabash River and Post Vincennes, due north to the territorial line between the United States and Canada." This act created the present western boundary line of the state of Indiana, but it was not until 1823 that the actual boundary line under this act was settled by the general assemblies of Illinois and Indiana.⁷

The Ohio River is the southern boundary of Indiana, and was the southern boundary of the same area when included in Northwest Territory and Indiana Territory.⁸

Indiana, with its present boundaries, was admitted into the Union by a resolution of Congress of December 11, 1816, in pursuance of the enabling act of April 19, 1816.⁹

The first constitution of Indiana was adopted in 1816. It provided for the election in each county of a clerk of the circuit court,¹⁰ a recorder,¹¹ a sheriff, and a coroner.¹² All territorial laws not inconsistent with the constitution were continued in force until they expired or were repealed.¹³

Clay County, composed of lands previously within the

⁶ U. S. Statutes at Large, 2:309, 310; 3:289-91, 399, 400. Pence and Armstrong, *op. cit.*, 142, 143, 147.

⁷ U. S. Statutes at Large, 2:514, 515. Pence and Armstrong, *op. cit.*, 12, 13, 144, 145.

⁸ Ordinance of 1787, U. S. Statutes at Large, 2:58, 59, 173, 174; 3:289, 399, 400. Const. 1816, art. 11, sec. 17. Const., art. 14, secs. 1, 2.

⁹ U. S. Statutes at Large, 3:289-91, 399, 400. Const. 1816, art. 11, sec. 17. Const., art. 14, secs. 1, 2.

¹⁰ Const. 1816, art. 5, sec. 8.

¹¹ *Ibid.*, art. 11, sec. 10.

¹² *Ibid.*, art. 4, sec. 25.

¹³ *Ibid.*, art. 12, sec. 4.

counties of Owen, Putnam, Sullivan, and Vigo, was created by act of the general assembly of February 12, 1825, effective April 1, 1825. In May 1825, the county seat was located at Bowling Green. In 1871 the county seat was legally established at Brazil, where it has since remained, but the records were not moved there until the courthouse was completed in 1877.¹⁴

The second constitution was adopted in 1851, and with amendments remains the present constitution of the state. The Revised Statutes of 1852, which became effective on May 6, 1853 as an official code, repealed, with certain specified reservations, all laws except those re-enacted in the code.¹⁵ No code of laws has been adopted by the general assembly since 1853.

SCOPE OF COUNTY GOVERNMENT

A county is an involuntary corporation, organized by the general assembly as a political subdivision of the state, solely for governmental purposes. It is an instrumentality of government, exercising the powers delegated by the state and acting for the state. County officers are but agents of the state. The authority of the county and its officers and agents is limited to that expressly or impliedly conferred on them by the general assembly. Except as limited by the constitution, the general assembly has full power to create, modify, and abolish counties, and to prescribe their powers, governmental organization, and liabilities.¹⁶

Before the adoption of the Constitution of 1851, the general assembly had full power to enact local or special laws concerning county matters, and many such laws were enacted; but the present constitution prohibits the enactment of local or special laws concerning several specified subjects affecting county organization and functions.¹⁷ The general assembly often passes laws applicable to counties and cities having a

¹⁴ Acts 1825, ch. 15. Pence and Armstrong, *op. cit.*, 288. See also Historical Sketch in Part A-1 of this book.

¹⁵ Const., art. 7, sec. 20. Acts 1851-52 (special and local), chs. 44, 63. 1 Rev. Stat. 1852, ch. 92. Acts 1853, ch. 105. Jones v. Cavins, 4 Ind. 305.

¹⁶ Gavin v. Board of County Comrs., 104 Ind. 201, 3 N. E. 846; Applegate v. Pettyjohn, 205 Ind. 122, 125, 185 N. E. 911; McDermott v. Board of County Comrs., 60 Ind. App. 209, 110 N. E. 237; Buck v. Indiana Const. Co., 79 Ind. App. 329, 138 N. E. 356.

Const., art. 6, sec. 10, provides: "The General Assembly may confer upon the boards doing county business in the several counties, powers of a local administrative character."

¹⁷ Const., art. 4, secs. 22, 23.

specified population and to counties containing cities of a specified population. Such laws are sometimes upheld¹⁸ and sometimes held unconstitutional.¹⁹ Laws made applicable to localities having property of specified assessed valuation have been upheld.²⁰ Sometimes a law affecting county organization or functions provides that it shall become operative in any county when approved by the voters or the board of commissioners of that county. The offices and courts created by the constitution exist in every county, but there is variation as to offices, boards, agencies, and courts created by statute.

The officers for county government provided for by the constitution are the judge²¹ and the clerk²² of the circuit court, prosecuting attorney,²³ auditor, recorder, treasurer, sheriff, coroner, and surveyor.²⁴ In addition, the general assembly has created²⁵ in Clay County these offices and boards: Agricultural agent, assessor, board of canvassers, board of commissioners, board of education, board of election commissioners, board of finance, board of primary election commissioners, board of review, board of tax adjustment, commission of public records, county council, department of public welfare, health officer, highway supervisor, miners' examination board, public health nurse, registration officer, school fund board, and superintendent of schools. All of these offices and boards are discussed separately in Part B of this book. A magistrates court was provided for by the general assembly of 1939, but the law is not effective at the time of writing.²⁶

¹⁸ State ex rel. Hargrove v. Reitz, 62 Ind. 159; Campbell v. Indianapolis, 155 Ind. 186, 57 N. E. 920; Bullock v. Robison, 176 Ind. 198, 93 N. E. 998; Wayne Twp. v. Brown, 205 Ind. 437, 186 N. E. 841; Crowe v. Board of County Comrs., 210 Ind. 404, 3 N. E. (2d) 76; Meara v. Brindley, 207 Ind. 657, 194 N. E. 351; Groves v. Board of County Comrs., 209 Ind. 371, 199 N. E. 137; Board of County Comrs. v. Crowe, -- Ind. --, 14 N. E. (2d) 907.

¹⁹ Campbell v. Indianapolis, 155 Ind. 186, 57 N. E. 920; Rushville v. Hayes, 162 Ind. 193, 70 N. E. 134; Eumb v. Evansville, 168 Ind. 272, 80 N. E. 625; Kraus v. Lehnen, 170 Ind. 408, 83 N. E. 714; Bullock v. Robison, 176 Ind. 198, 93 N. E. 998; Boberg v. Harlem, 194 Ind. 310, 142 N. E. 705; Heffelfinger v. Ft. Wayne, 196 Ind. 689, 149 N. E. 555; Heckler v. Conter, 206 Ind. 376, 187 N. E. 878; Crowe v. Board of County Comrs., 210 Ind. 404, 3 N. E. (2d) 76.

²⁰ Gruber v. State ex rel. Welliver, 196 Ind. 426, 148 N. E. 481; Board of County Comrs. v. Crowe, -- Ind. --, 14 N. E. (2d) 903.

²¹ Const., art. 7, secs. 1, 8, 9.

²² *Ibid.*, art. 6, sec. 2.

²³ *Ibid.*, art. 7, sec. 11.

²⁴ *Ibid.*, art. 6, sec. 2.

²⁵ *Ibid.*, secs. 3, 10. For statutory citations, see the legal status essays of these offices in Part B of this book.

²⁶ Acts 1939, ch. 164.

The constitution provides that no person shall be elected or appointed as a county officer who is not an elector of the county or who was not an inhabitant thereof "during one year next preceding his appointment";²⁷ and that all county officers shall reside within their respective counties and shall keep their respective offices at such places therein and perform such duties as may be directed by law.²⁸ A county officer, within the meaning of these provisions, is a person by whom a county performs its usual functions of government.²⁹

Every officer and every deputy, before entering on his official duties, must take an oath that he will support the Constitution of Indiana and the Constitution of the United States, and faithfully discharge the duties of his office.³⁰

Deputies may be appointed by the assessor,³¹ registration officer,³² auditor, clerk of the circuit court, superintendent of schools, coroner, prosecuting attorney, recorder, sheriff, surveyor, and treasurer; the appointing officer may require the deputy to give bond;³³ the deputies must take the oath required of their principals, may perform all the official duties of such principals, and are subject to the same regulations and penalties;³⁴ and the principals are responsible for all the official acts of their deputies.³⁵

GENERAL ADMINISTRATION

Ever since August 1, 1831, the general administrative control of county matters has been vested in a board of commissioners, composed of three members (individually known as county commissioners) elected by the voters of the whole county from the residents of three commissioners' districts, subject

²⁷ Const., art. 6, sec. 4.

The county superintendent of schools and the superintendent of the county asylum are not county officers within the meaning of this Provision. State ex rel. Osborn v. Eddington, 208 Ind. 160, 195 N. E. 92; State ex rel. Wickens v. Clark, 208 Ind. 402, 196 N. E. 234.

²⁸ Const., art. 6, sec. 6.

²⁹ State ex rel. Osborn v. Eddington, 208 Ind. 160, 195 N. E. 92.

³⁰ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

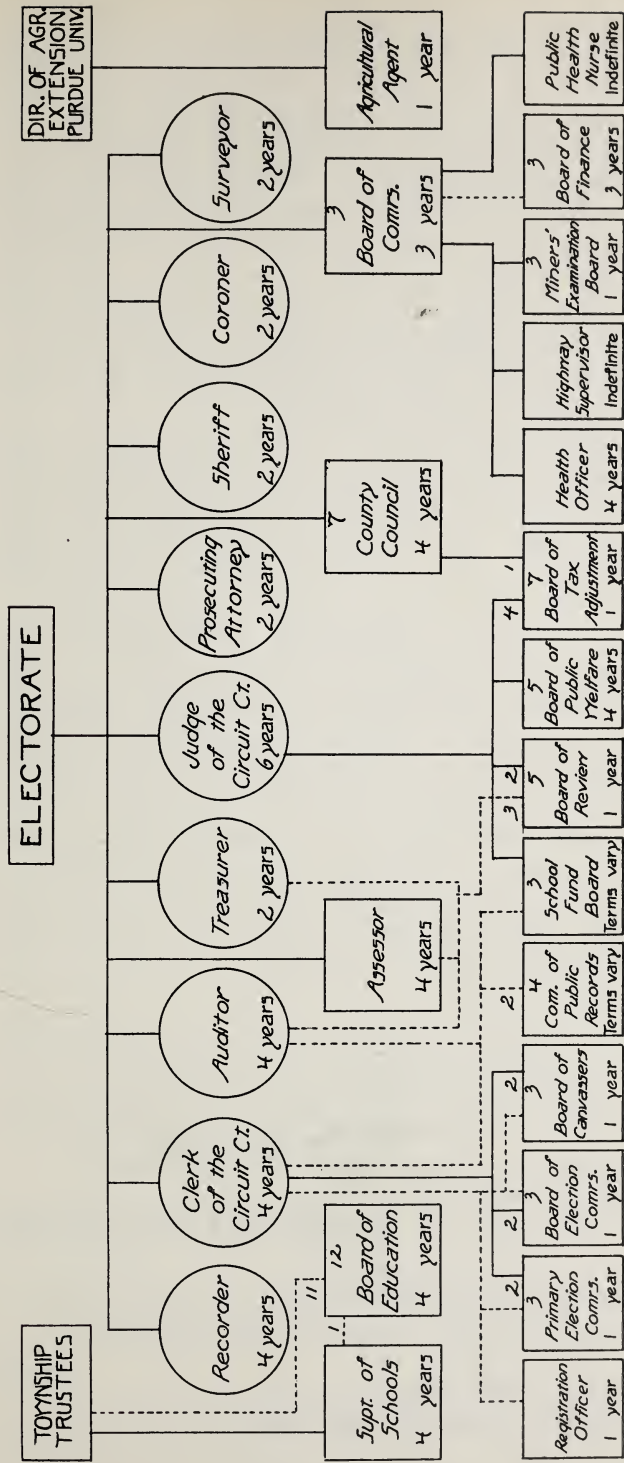
³¹ Acts 1919; Burns 64-1102; Baldwin 15698.

³² Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

³³ Acts 1925; Burns 49-501; Baldwin 13108. Acts 1937; Burns, 1938 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

³⁴ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

³⁵ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110.



Commission of Public Records, selection of two members not indicated: One, the judge of Circuit Court; one, the president of the board of commissioners.

Board of Tax Adjustment, selection of two members not indicated: One, the Mayor of Fort Wayne or his appointee; one, a member of the board of school commissioners of Fort Wayne.

Health Officer, appointment approved by state board of health.

Circles—constitutional officers.
Squares—statutory officers.
Figures—number of members
 and term of office.
Solid lines—elected or appointed.
Broken lines—ex officio.

to exceptions herein stated. From April 1, 1825 (the time of the creation of the county) until August 1, 1831, county business was transacted by a board of justices composed of all the justices of the peace in the county. From August 4, 1834 until August 1, 1842, the board doing county business was composed of all the justices of the peace of the county but was officially known as "The Board of Commissioners of Clay County." From August 1, 1842 until August 7, 1843, the board doing county business (still known as "The Board of Commissioners of Clay County") was composed of one justice from each township, the township voters determining which justice would serve on the board. Since 1899, many powers of a fiscal nature previously exercised by the board of commissioners have been vested exclusively in the county council.³⁶

The county council has exclusive power: To fix the rate of taxation for county purposes, and for all purposes where the rate not fixed by law is required to be uniform throughout the county;³⁷ to make appropriations of money to be paid out of the county treasury;³⁸ to adopt the annual county budget;³⁹ to authorize the borrowing of money for the county;⁴⁰ and to authorize the sale or conveyance or purchase by the county of real estate of the value of \$1,000 or more.⁴¹ The county council and the board of commissioners, acting together, perform the following duties: Approve the acceptance of lands given or devised to the county for purposes of public forest;⁴² hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;⁴³ determine, on proper petition, the order in which county highway projects shall be established and constructed, in the event two or more petitions for such projects are on file with the auditor at the

³⁶ Rev. Laws 1824, ch. 15. Acts 1825, ch. 15, secs. 4, 6. Acts 1825-26, ch. 24. Rev. Laws 1831, ch. 20. Acts 1833-34, ch. 23. Rev. Stat. 1838, ch. 21. Acts 1841-42 (general), ch. 163. Rev. Stat. 1843, ch. 7, art. 1. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22. Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. 1 Rev. Stat. 1852; Burns 26-601 to 26-639; Baldwin 5215 *et seq.* Const., art. 6, sec. 10. Snider v. State ex rel. Leap, 206 Ind. 474, 190 N. E. 178.

³⁷ Acts 1899; Burns 26-515; Baldwin 5379.

³⁸ Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

³⁹ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384.

⁴⁰ Acts 1929; Burns 26-532; Baldwin 5396. Acts 1933; Burns 26-1022; Baldwin 5397.

⁴¹ Acts 1899; Burns 26-534; Baldwin 5399.

⁴² Acts 1929; Burns 32-107; Baldwin 4879.

⁴³ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

same time;⁴⁴ and rebuild courthouses and jails destroyed by fire or windstorm, and issue bonds to defray the expense of same.⁴⁵

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Clay".⁴⁶ In legal contemplation, the board is the county.⁴⁷

CONTRACTS

The board of commissioners, as the general governing body of the county, is the agency entrusted with the making of contracts for the purchase of materials and supplies for all county offices, and for the construction of county buildings and other public improvements.⁴⁸ The board cannot bind the county by any contract which is beyond the scope of its powers.⁴⁹ While contracts made by the board are ordinarily in writing, the board may, in certain cases, bind the county by oral contracts.⁵⁰

Though the statutes prescribing the methods of letting contracts vary in detail, their general features are fairly uniform. The board is usually required to prepare specifications of commodities to be purchased or work to be performed, together with plans, drawings, or models, if necessary or desirable, and to place these on file in the auditor's office for public inspection. Notice is then given by publication in newspapers of general circulation that the specifications are on file for examination and that sealed bids will be received up to a certain date. The board, after examination of the bids submitted, is required to award the contract to the lowest responsible bidder, or, in some instances, the lowest and best bidder.⁵¹ The right is usually reserved to the board,

⁴⁴ Acts 1921; Burns 36-327 to 36-331; Baldwin 5751 to 8755.

⁴⁵ Acts 1935; Burns, 1938 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

⁴⁶ 1 Rev. Stat. 1852; Burns 26 606; Baldwin 5220.

⁴⁷ *Dice v. County Board of Finance*, 99 Ind. App. 405, 192 N. E. 770.

⁴⁸ Acts 1899, 1903, 1933; Burns 26-536, 26-537; Baldwin 5401, 5402. Acts 1907; Burns 26-2001 to 26-2009; Baldwin 5100 to 5108. Acts 1913, 1929, 1933; Burns 53-101 to 53-106; Baldwin 14079 to 14083.

⁴⁹ *Hight v. Board of County Comrs.*, 68 Ind. 575, 577; *Driftwood Turnpike Co. v. Board of County Comrs.*, 72 Ind. 226; *Board of County Comrs. v. Bradford*, 72 Ind. 455.

⁵⁰ *McCabe v. Board of County Comrs.*, 46 Ind. 380; *Board of County Comrs. v. Ritter*, 90 Ind. 362.

⁵¹ The courts have held that provisions of this nature vest some discretion in the board in determining the bidder to whom the contract shall be awarded. *Ness v. Board of County Comrs.*, 178 Ind. 221, 98 N. E. 33; *Eigemann v. Board of County Comrs.*, 53 Ind. App. 1, 101 N. E. 33.

however, to reject any and all bids, if they are unsatisfactory, and re-advertise for new bids. Contracts cannot be made unless money has previously been appropriated by the county council for the particular purpose involved.⁵²

As a general rule, the time for performance of a contract may extend beyond the official terms of the county commissioners, if the contract is made in good faith.⁵³ A contract employing an attorney is an exception to this rule.⁵⁴

ACTIONS

Ordinarily, an action for or against the county is brought by or against the board of commissioners.⁵⁵ An action to recover money from the county cannot be maintained until a claim therefor has been presented to the board of commissioners and disallowed in whole or in part; but the complaint in such suit need not allege such presentation and disallowance, this being a matter of defense.⁵⁶ If the allowance of a claim was illegal, unwarranted, or unauthorized, the board of commissioners may sue to recover from the payee the amount paid. If the board does not bring such suit within 60 days after such allowance, any taxpayer may demand such suit; and if such demand is refused, the taxpayer may sue for the county.⁵⁷ If money is illegally paid out of the county treasury, suit to recover same from the payee may be maintained in the name of the state on the relation of the board of commissioners or the officer making disbursement. If such suit is not brought within 30 days, any citizen or taxpayer may make written demand on the board of commissioners to bring such suit; and if the board fails or refuses to do so, he may bring suit in the name of the state on his own relation.⁵⁸

The board of commissioners, as relator, may sue, in the

⁵² Acts 1899; Burns 26-525, 26 527; Baldwin 5389, 5391.

⁵³ Board of County Comrs., v. Shields, 130 Ind. 6, 29 N. E. 385; Jessup v. Hinchman, 77 Ind. App. 460, 133 N. E. 853.

⁵⁴ Board of County Comrs., v. Taylor, 123 Ind. 148, 23 N. E. 752.

⁵⁵ 1 Rev. Stat. 1852; Burns 26 606; Baldwin 5220. Shilling v. State ex rel. Board of County Comrs., 158 Ind. 185, 62 N. E. 49.

⁵⁶ Acts 1879 (Spec. Sess.), 1885; Burns 26 820; Baldwin 5275. Bass Foundry & Mach. Works v. Board of County Comrs., 115 Ind. 234, 17 N. E. 593; Board of County Comrs. v. Tichener, 129 Ind. 562, 29 N. E. 32; Mueller v. Board of County Comrs., 73 Ind. App. 196, 127 N. E. 15.

⁵⁷ Acts 1897; Burns 26-811; Baldwin 5262. Sudbury v. Board of County Comrs., 157 Ind. 446, 62 N. E. 45.

⁵⁸ Acts 1899; Burns 26-545; Baldwin 5410.

name of the state, on official bonds to recover county funds.⁵⁹ The auditor, as relator, may sue, in the name of the state, to recover money owing to the county.⁶⁰

The treasurer sues in his name, as treasurer, to collect property taxes.⁶¹ Suit to collect inheritance taxes is brought in the name of the county.⁶² After a claim therefor has been disallowed by the board of commissioners, the taxpayer may sue the board of commissioners to recover taxes illegally assessed or collected.⁶³

Land needed by the county for public buildings,⁶⁴ highways, bridges, culverts,⁶⁵ drainage, sewers,⁶⁶ or airports⁶⁷ may be acquired by the county under its power of eminent domain, on payment of the value fixed by the court in condemnation proceedings.

The action of mandamus may be brought against any county officer to compel the performance of any act which the law specifically requires, or any duty resulting from his office or trust.⁶⁸ For example, mandamus lies to compel: The auditor to draw warrants on the county treasury;⁶⁹ the board of commissioners to take action on claims that have been properly presented,⁷⁰ to approve official bonds,⁷¹ and to repair or rebuild bridges;⁷² and the county council to make appropriations.⁷³

⁵⁹ Acts 1881 (Spec. Sess.); Burns 2-203; Baldwin 18. *Graham v. State ex rel. Board of County Comrs.*, 66 Ind. 386; *Shilling v. State ex rel. Board of County Comrs.*, 158 Ind. 185, 62 N. E. 49.

⁶⁰ 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. *Vanarsdall v. State ex rel., Watson*, 65 Ind. 176; *Demarest v. Holdeman*, 157 Ind. 467, 62 N. E. 17.

⁶¹ Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

⁶² Acts 1931; Burns 6-2415; Baldwin 15953.

⁶³ Acts 1919; Burns 64-2819; Baldwin 15881. Acts 1923; Burns 64-2824; Baldwin 15884. *Cody v. Board of County Comrs.*, 204 Ind. 87, 183 N. E. 404; *Board of County Comrs. v. Millikan*, 207 Ind. 142, 190 N. E. 185.

⁶⁴ Acts 1899; Burns 26-2101; Baldwin 5109.

⁶⁵ Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1938 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

⁶⁶ Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

⁶⁷ Acts 1920 (Spec. Sess.); Burns 14-302; Baldwin 4022.

⁶⁸ Acts 1881 (Spec. Sess.), 1911; Burns 3-2202; Baldwin 1091.

⁶⁹ *Gill v. State ex rel. Board of County Comrs.*, 72 Ind. 266.

⁷⁰ *Board of County Comrs. v. State ex rel. Reed*, 179 Ind. 644, 102 N. E. 97.

⁷¹ *State ex rel. Taylor v. Board of County Comrs.*, 124 Ind. 554, 25 N. E. 10.

⁷² *State ex rel. Roundtree v. Board of County Comrs.*, 80 Ind. 478.

⁷³ *Shelby County Council v. State ex rel. School of Shelbyville*, 155 Ind. 216, 57 N. E. 712.

In some instances, the county officer can be enjoined from acting illegally. Some of the acts prevented by injunction are: Collection of illegal taxes;⁷⁴ doing of illegal acts that would increase taxation;⁷⁵ payment of illegal claims;⁷⁶ making an illegal contract.⁷⁷

The county is not liable for damages resulting from the acts or omissions of its officers, except where such liability is imposed or permitted by statute.⁷⁸

Failure of the county council to make appropriation for the debt or demand constituting the subject matter of the suit does not prevent maintenance of the suit or recovery of judgment.⁷⁹ No judgment against a county is enforceable except out of moneys appropriated by the county council for that purpose; but, by mandamus proceedings against the county council, board of commissioners, and auditor, the county council may be compelled to make such appropriation.⁸⁰

It is the duty of the prosecuting attorney to superintend, on behalf of the county, all suits in which the county may be interested or involved,⁸¹ including suits to collect taxes⁸² or to recover tax penalties and forfeitures⁸³ and suits against officers or on their bonds.⁸⁴ The prosecuting attorney must make a report to the board of commissioners each month showing the causes in which he appeared in person or by deputy.⁸⁵

⁷⁴ Hobbs v. Board of County Comrs., 103 Ind. 575, 3 N. E. 263.

⁷⁵ State ex rel. Davis v. Board of County Comrs., 165 Ind. 262, 74 N. E. 1091.

⁷⁶ Warren Agri. Joint Stock Co. v. Barr, 55 Ind. 30. But see Bentley v. Board of County Comrs., 102 Ind. App. 533, 200 N. E. 499.

⁷⁷ Farris v. Jones, 112 Ind. 498, 14 N. E. 484.

⁷⁸ State ex rel. Board of County Comrs. v. Board of County Comrs., 170 Ind. 595, 608, 85 N. E. 513.

⁷⁹ Acts 1899; Burns 26-527; Baldwin 5391. Board of County Comrs., v. Pike Civil Twp., 168 Ind. 535, 81 N. E. 489.

⁸⁰ Acts 1899; Burns 26-528; Baldwin 5392. Formerly the public property of the county was subject to execution to satisfy such judgment. 1 Rev. Stat. 1852; Burns 26-803; Baldwin 5253.

⁸¹ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

⁸² Acts 1931; Burns 6-2415; Baldwin 15953. Acts 1937; Burns, 1938 suppl., 16-320; Baldwin, 1937 suppl., 3811-4. Acts 1919; Burns 64-719, 64-1519; Baldwin 15633, 15773. Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754. Acts 1933, 1937; Burns, 1938 suppl., 64-2628; Baldwin, 1937 suppl., 16009.

⁸³ Acts 1919; Burns 64-608, 64-1319, 64-2208; Baldwin 15576, 15723, 15815.

⁸⁴ Acts 1917; Burns 60-227; Baldwin 12878.

⁸⁵ Acts 1933; Burns 49-2695; Baldwin 7550.

FINANCE

TAXATION

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The power of taxation is inherent in the state, and is a legislative power limited only by the provisions of the constitution.⁸⁶ The constitution provides that "the general assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes, as may be specially exempted by law."⁸⁷ This section applies only to a general assessment on property according to its value, and does not apply to excise taxes.⁸⁸

In Indiana, there are poll taxes, excise taxes, and property taxes. A poll tax is a tax assessed on the person. An excise tax is a tax on privileges, and includes taxes on occupations, inheritance, sale of gasoline, etc. Laws imposing excise taxes are sometimes called "internal revenue laws." The property tax (also known as an ad valorem tax) is the tax on real and personal property based on value, and it constitutes the largest part of the county revenue. Property may be subject to an excise tax and also a property tax.

In townships having a population not exceeding 5,000 (all townships except Brazil), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee performing the duties of township assessor.⁸⁹

A poll tax is assessed on every male inhabitant of this state between the ages of 21 and 50 years.⁹⁰ Poll-tax exemptions are allowed to the following persons: Volunteer firemen,⁹¹ former soldiers and sailors who receive service connected disability compensation,⁹² and persons exempted by

⁸⁶ State ex rel. Goodman v. Halter, 149 Ind. 292, 47 N. E. 665; Dunn v. Indianapolis, 233 Ind. 630, 196 N. E. 528; Miles v. Department of Treasury, 209 Ind. 172, 199 N. E. 372.

⁸⁷ Const., art. 10, sec. 1.

⁸⁸ State Bd. of Tax Comrs., v. Jackson, 283 U. S. 527, 75 L. Ed. 1248, 51 Sup. Ct. 540; Miles v. Department of Treasury, 209 Ind. 172, 199 N. E. 372; Davis v. Sexton, 210 Ind. 138, 200 N. E. 233.

⁸⁹ Acts 1937; Burns 64-1031; Baldwin 15604.

⁹⁰ Acts 1919; Burns 64-102; Baldwin 15515.

⁹¹ Acts 1933, 1935; Burns, 1938 suppl., 48-6134; Baldwin, 1935 suppl., 8227.

⁹² Acts 1923; Burns 45-1210; Baldwin 10917. Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1937;

the county commissioners because of inability to pay.⁹³ The auditor certifies to the city officials the number of taxable polls therein.⁹⁴ Poll tax is collected by the county treasurer. A poll tax receipt must be presented to any licensing authority to obtain an occupation license required by state law, a motor vehicle operator's or chauffeur's license, a motor vehicle license, or a certificate of title for a motor vehicle.⁹⁵

The tax on financial institutions is an excise tax⁹⁶ (in lieu of all other taxes) on banks, trust companies, and building and loan associations. It is administered by the county auditor and county treasurer under the supervision of the state board of tax commissioners.⁹⁷

The inheritance tax is an excise tax administered by the county assessor and the county treasurer, under the supervision of the state board of tax commissioners, and by the circuit court. Schedule must be filed with the court within 12 months after the death of decedent. Notice is given to the interested parties, the estate is appraised, and the court determines the amount of tax due. The court appoints the county assessor as the appraiser in every estate; and he appraises all property at the fair market value, as of the date of the transfer.⁹⁸ The appraiser makes his report in duplicate, one copy to the court and one copy to the state board of tax commissioners.⁹⁹ The treasurer collects the tax and issues receipt in duplicate, one copy of which is sent to the state board; and no final accounting of an estate is made until such receipt is countersigned by that board.¹⁰⁰ The county treasurer must report quarterly to the auditor of state all inheritance taxes received by him. All such collected taxes are transmitted by the county treasurer, upon a warrant issued by the county auditor, to the treasurer of state.¹⁰¹ When directed

Burns, 1938 suppl., 64-201, 64-220; Baldwin, 1937 suppl., 15518, 15515-1. Before 1937 exemption was granted to all militiamen, soldiers, and sailors in active service. Acts 1919, 1920 (Spec. Sess), 1921, 1923; Burns 64-201; Baldwin 15518.

⁹³ 1 Rev. Stat. 1852; Burns 26-1207; Baldwin 5336.

⁹⁴ Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

⁹⁵ Acts 1931; Burns 42-102 to 42-105; Baldwin 10499 to 10501, 10503.

⁹⁶ Lutz v. Arnold, 208 Ind. 480, 193 N. E. 840.

⁹⁷ Acts 1933; Burns 64-801 to 64-834; Baldwin 15582 to 15615.

⁹⁸ Acts 1931, 1933; Burns 6-2408; Baldwin 15946. Acts 1931, 1933, 1937; Burns, 1938 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

⁹⁹ Acts 1931; Burns 6-2410; Baldwin 15948.

¹⁰⁰ Acts 1931; Burns 6-2413; Baldwin 15951.

¹⁰¹ Acts 1931; Burns 6-2414; Baldwin 15952.

by the court to do so, the prosecuting attorney sues to collect the tax.¹⁰²

The intangible tax is a stamp tax (excise tax)¹⁰³ on notes, stocks, bonds, and other evidences of property interests or obligations for payment of money. This tax is administered by the county assessor¹⁰⁴ and the county treasurer, under the supervision of the state board of tax commissioners. Stamps are issued by the state board and sold by the county treasurer.¹⁰⁵ The taxpayer is required to file with his tangible personal property schedule an affidavit showing that he has complied with the intangible tax law.¹⁰⁶ If the tax is not paid when due, it is entered on the tax duplicate of the county where the taxpayer resides or his property is located. Omitted property may be assessed by any officer of the county having authority under the general taxing laws to assess omitted property or by the state board of tax commissioners.¹⁰⁷ In case of nonpayment, suit for collection may be brought by the prosecuting attorney or the attorney general.¹⁰⁸

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor. After making assessment of personal property for property taxes, each township assessor makes inquiry concerning dogs and kennels, and collects the excise tax thereon for the ensuing year, and issues licenses and receipts. The county auditor collects the tax and issues licenses and receipts if the township assessor fails to do so.¹⁰⁹ The money so collected constitutes a fund known as the "dog fund", and is used to pay for damage to animals and fowls caused by dogs. Dog funds exceeding \$100, over and above all warrants drawn on the same, in any township on the first Monday in March, are transferred on the following Monday to townships in which the dog fund is less than the warrants drawn thereon.¹¹⁰

The property tax laws are administered by the township

¹⁰² Acts 1931; Burns 6-2415; Baldwin 15953.

¹⁰³ Lutz v. Arnold, 208 Ind. 490, 193 N. E. 840.

¹⁰⁴ Acts 1933; Burns 64-917; Baldwin 15915. Acts 1933, 1935; Burns, 1928 suppl., 64-906; Baldwin, 1935 suppl., 15904.

¹⁰⁵ Acts 1933; Burns 64-924, 64-927; Baldwin 15922, 15925.

¹⁰⁶ Acts 1933; Burns 64-918; Baldwin 15916.

¹⁰⁷ Acts 1933, 1935; Burns, 1938 suppl., 64 915; Baldwin, 1935 suppl., 15913.

¹⁰⁸ Acts 1933; Burns 64-921; Baldwin 15919.

¹⁰⁹ Acts 1937; Burns, 1938 suppl., 16-317; Baldwin, 1937 suppl., 3811-1.

¹¹⁰ Acts 1937; Burns, 1928 suppl., 16-324 to 16-326; Baldwin, 1937 suppl., 3811-8 to 3811-10.

assessors, county assessor, auditor, treasurer, board of review, county council, and board of tax adjustment, under the supervision of the state board of tax commissioners. The state board prescribes rules and regulations and advises with the subordinate tax officials. It makes original assessments of certain classes of property of railroads, telephone companies, and other public utilities,¹¹¹ and supervises and reviews assessments, appropriations, and levies of the subordinate tax officials.¹¹²

The principal steps in property taxation, stated in their chronological order, are assessment, budget, levy, and collection. The assessment is the determination of what property is taxable and the value thereof. The budget is the appropriation of money for expenditures for the next calendar year. The levy is the charging of a certain amount of taxes against each \$100 of assessed valuation to raise the money required for the budget. The collection involves the voluntary payment and also proceedings to compel payment.

Assessment of real and personal property for county purposes also serves as the assessment for state, township, city, and town purposes.¹¹³ Personal property is assessed each year

¹¹¹ The state board of tax commissions assesses property of the following companies: Railroad, telephone, express, telegraph, sleeping car, pipe line, car equipment (tank, refrigerator, freight), and "public utility" (heat, light, water, power, elevator, and warehouse service).

In case of railroads, the state board assesses the railroad track and the rolling stock. Local authorities assess personal property that has a fixed location and also real estate outside of the property denominated "railroad track."

The state board assesses the personal and intangible properties of the other specified companies. Their other property is assessed by local authorities.

Municipally owned utilities are assessed by the state board for state and county levies. Such utilities are not subject to township, school city, civil city, or other levies.

Car equipment companies pay a tax of two percent on their assessed value direct to the state department of treasury.

Except as to the car equipment companies, the assessment of the state board is certified to the county auditor who apportions it among the several townships, towns, and cities entitled to a levy thereon, and places such assessments on the tax duplicate; and thereafter the tax is collected by the county treasurer. Acts 1913, 1933; Burns 54-610 (d); Baldwin 14027 (d). Acts 1919, 1921, 1923, 1932 (Spec. Sess.); Burns 64-703 to 64-740; Baldwin 15617 to 15654.

¹¹² Acts 1919, 1920 (Spec. Sess.), 1921, 1923, 1925, 1927, 1931; Burns 64-1301 to 64-1338; Baldwin 15705 to 15737, 12490 to 12492, 12522, 12527. Acts 1935; Burns, 1938 suppl., 64-1313, 64-1321, 64-1324, 64-1325, 64-1331; Baldwin, 1935 suppl., 15717, 15725, 15728, 15729, 15735.

¹¹³ Acts 1919; Burns 64-2814; Baldwin 15877.

as of the first day of March.¹¹⁴ Though real estate is not re-assessed every year (the old assessment remaining in effect until changed), the lien for taxes thereon dates from March 1.¹¹⁵ All property, real and personal, is required to be assessed at the true cash value thereof.¹¹⁶ Since personal property and real property are assessed differently, we shall discuss them separately, beginning with personal property.

Personal property must be listed for taxation between March 1 and May 15 each year, with reference to the quantity and quality owned on March 1.¹¹⁷ Each township assessor calls on the taxpayers and furnishes them with blanks for listing personal property. The taxpayer must list, under oath, all personal property held, possessed, or controlled by him, and state what he deems the true cash value of each item. Ordinarily the valuation of the taxpayer is accepted if it is in reason, but the assessor may fix a different valuation. If no list is given by the taxpayer or if the assessor doubts the correctness of the list, he may examine, under oath, the taxpayer and other persons concerning such property, and set down and assess to such person such amount of personal property as he may deem just.¹¹⁸ If the taxpayer refuses to make a return or oath required by law, the assessor makes a note of such refusal, and the auditor adds 50 percent to the valuation returned by the assessor.¹¹⁹

After giving notice to the taxpayer, omitted personal property may be assessed by the township assessor,¹²⁰ county assessor,¹²¹ auditor,¹²² treasurer,¹²³ or board of review;¹²⁴ and appeal from such assessment may be taken to the circuit court, on the question of whether such omitted property is taxable.¹²⁵

¹¹⁴ Acts 1919; Burns 64-103, 64-401, 64-403; Baldwin 15516, 15524, 15526.

¹¹⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-2825; Baldwin 15886.

¹¹⁶ Acts 1919; Burns 64-103, 64-1009; Baldwin 15516, 15675. Acts 1937; Burns, 1938 suppl., 64-1019b; Baldwin, 1937 suppl., 15685-2.

¹¹⁷ Acts 1919; Burns 64-401; Baldwin 15524.

¹¹⁸ Acts 1919; Burns 64-601 to 64-604, 64-610; Baldwin 15569 to 15572, 15578.

¹¹⁹ Acts 1919; Burns 64-610; Baldwin 15578.

¹²⁰ Acts 1919; Burns 64-1025; Baldwin 15692.

¹²¹ Acts 1919; Burns 64-1102; Baldwin 15698.

¹²² Acts 1919; Burns 64-1402; Baldwin 15739.

¹²³ Acts 1919; Burns 64-2102; Baldwin 15803.

¹²⁴ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹²⁵ Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation on the scope of the appeal was suggested by Phillip Zoercher, chairman of the state board of tax commissioners.

The county assessor advises and instructs all township assessors in the county; and for this purpose visits each township assessor during March and April each year. The county assessor seeks to obtain uniformity and equality of assessment by the several township assessors. The county assessor and the township assessors may be removed by the state board of tax commissioners for incompetency or neglect of duty.¹²⁶

The board of review, after giving two weeks' notice, meets on the first Monday in June each year. The board reviews the assessment of personal property, hears complaints of owners, reduces or increases valuations, equalizes valuations, corrects and completes the tax lists, and assesses omitted property. Notice must be given by the auditor to the owner before the board of review assesses omitted property or raises valuations.¹²⁷ Any person dissatisfied with the decision of the board of review may appeal to the state board of tax commissioners. Hearings on such appeals are, when possible, held in the auditor's office in the county from which the appeal was taken. The amount fixed by the state board is the final assessment of such property.¹²⁸

The county auditor, on or before March 1 each year, makes out and delivers to the township assessors lists of lands entered on the duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation.¹²⁹

The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels of real estate therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions and transfers.¹³⁰ For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered.¹³¹ On the death of the owner, the heir or devisee

¹²⁶ Acts 1919, 1921; Burns 64-1001, 64-1102; Baldwin 15666, 15698.

¹²⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹²⁸ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, Tax Rule 6.

¹²⁹ Acts 1919, 1927; Burns, 1938 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

¹³⁰ *Id.*

¹³¹ Acts 1919; Burns 64-1409; Baldwin 15746.

may have the auditor make an entry on the tax duplicate to show the change of ownership.¹³²

Each township assessor is required to call on every person residing in his township for a list of lands owned by such person in such township subject to taxation. If such person fails to furnish such list within five days after being called on, as notified to do, the assessor may make the list according to the best information he can obtain, and the auditor must add 25 percent to the valuation of such lands as returned by the assessor.¹³³

Each township assessor must, on or before the first Monday in June in each year, make out and deliver to the auditor, in a book furnished by the auditor, a return of the real estate listed containing the names of property owners, description, and value of each parcel as determined by the assessor from actual view.¹³⁴

The law provides that "re-assessment of real estate shall not be made oftener than every four years or in any year in which there is a general election held for the election of any state, county, or township officials, except upon the order of the state board of tax commissioners and as hereinafter provided."¹³⁵ The last general re-assessment of real estate in Indiana was in 1932.

Each person charged with making assessment valuations of real estate for taxation is charged with the duty of correcting on the books errors as to description of property and name of owner. A notation is made showing any change of ownership since the last assessment. The township assessor each year, after giving notice to the occupant of the land or the resident of the county claiming ownership, assesses any real estate or improvements found omitted, and makes a return thereof to the auditor as of the year when the same should have been first assessed.¹³⁶ The county assessor,¹³⁷ auditor,¹³⁸ treasurer,¹³⁹ and board of review¹⁴⁰ also have power

¹³² Acts 1921; Burns 64-519; Baldwin 14777.

¹³³ Acts 1919; Burns 64-1008; Baldwin 15674.

¹³⁴ Acts 1919; Burns 64-1016; Baldwin 15682.

¹³⁵ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl., 15685.

¹³⁶ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl.,

15685. Acts 1919; Burns 64-1025; Baldwin 15692.

¹³⁷ Acts 1919; Burns 64-1102; Baldwin 15698.

¹³⁸ Acts 1919; Burns 64-1402; Baldwin 15739.

¹³⁹ Acts 1919; Burns 64-2102; Baldwin 15803.

¹⁴⁰ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

to assess omitted real property after giving notice. The auditor makes assessment of any newly platted additions to any city or town.¹⁴¹ The assessments of omitted real property by the township assessor, county assessor, auditor, and treasurer may be reviewed and revised at the next meeting of the board of review.¹⁴² The decision of the board of review in reviewing such assessment or in making an original assessment of omitted real property may be reviewed by the state board of tax commissioners in the manner provided for review of decisions concerning personal property, discussed above.¹⁴³ From any assessment of omitted real property, appeal may be taken to the circuit court on the question whether such property is taxable.¹⁴⁴

In case of flood, fire, or other disaster in which a substantial amount of property in any township has been partially or totally destroyed, the state board of tax commissioners must order a survey, determine the locality in which the property has been partially or totally destroyed, and order re-assessment of all or part of the property in such township.¹⁴⁵

The state board, after March 31 of a year in which a general election is not held, may, without petition of taxpayers, order a hearing on the necessity or re-assessment for the whole state or for any of the counties or townships thereof. Notice is given, and a hearing is held in each county in which the affected property is located. The board may then order re-assessment.¹⁴⁶

Any person may, before March 31 in any year, file with the state board of tax commissioners a petition for re-assessment of his real estate. At the hearing, the petitioner must show cause for re-assessment. Other taxpayers may be heard in opposition. The board may then order the re-assess-

¹⁴¹ Acts 1919; Burns 64-1027; Baldwin 15691.

¹⁴² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

¹⁴³ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, Tax Rule 6.

¹⁴⁴ Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation on the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

¹⁴⁵ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019 (c); Baldwin, 1937 suppl., 15685 (c).

¹⁴⁶ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019 (b); Baldwin, 1937 suppl., 15685 (b).

ment petitioned for. This is the only method for obtaining re-assessment of particular real estate.¹⁴⁷

A petition for re-assessment of all real estate in a township, signed by the necessary percentage— it varies in different townships— of the resident owners of taxable real estate of such township and bearing a certificate of the auditor as to the required number of signers, may be filed with the state board of tax commissioners before March 31, in any year in which there is no general election of state, county, or township officials. If it appears to the board that the petition is in proper order and that the present valuation is inequitable, the board will order re-assessment of all or part of the real estate in the township.¹⁴⁸

Any Indiana resident owning real estate subject to mortgage may have the amount of the mortgage, not exceeding \$1,000 and not exceeding one-half the assessed valuation, existing and unpaid on the first day of March, deducted from the assessed valuation for that year, by filing with the auditor between the first day of March and the first Monday in May a sworn statement in the form required by law.¹⁴⁹

Within ten days after the valuation of real or personal property is determined by the board of review or state board of tax commissioners, the owner may appeal to the circuit court on questions of law concerning such valuation.¹⁵⁰

The county auditor, not later than September 1 each year, apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.¹⁵¹

The county council, at its annual meeting in August, adopts a budget, establishes the tax rate, and makes tax levies for the succeeding calendar year. The auditor then schedules the rates for the several municipal corporations in the

¹⁴⁷ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019 (d); Baldwin, 1937 suppl., 15635 (d).

¹⁴⁸ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019 (a); Baldwin, 1937 suppl., 15685 (a).

¹⁴⁹ Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567.

Under the 1919 act, the owner was not required to be a resident of Indiana in order to obtain a mortgage exemption. Acts 1919; Burns 64-209; Baldwin 15565.

¹⁵⁰ Acts 1927; Burns 64-1020; Baldwin 15686.

¹⁵¹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.¹⁵² Appeal from the action of the county council may be taken to the state board of tax commissioners. The board, after hearing the objections, may affirm or decrease the total tax levy or any item thereof. The decision of the board, which is final and conclusive "with respect to said levies and such parts thereof as may have been in question", is certified to the auditor, and the auditor certifies it to the taxing units interested therein. When the state board orders a reduction in the levy, it indicates the items in the budget affected by such reduction; and this limits the expenditures for the year, except in cases of extraordinary emergency.¹⁵³

The laws discussed in the next four paragraphs do not apply to levies and rates to meet: (1) funding, refunding, or judgment funding obligations; (2) "outstanding obligations"; (3) judgment; (4) obligations issued to meet emergency growing out of flood, fire, pestilence, war, or other major disaster; (5) obligations issued on petition under this act; (6) requirements of the county welfare fund for public welfare services. It is the duty of the county council to levy an amount sufficient to meet such purposes, regardless of any statutory provisions to the contrary.¹⁵⁴

Except on authorization of the state board of tax commissioners, the total tax rate for all purposes cannot exceed \$1.25 on each \$100 of taxable property outside incorporated cities and towns or \$2 on each \$100 of taxable property inside incorporated cities and towns.¹⁵⁵

At least two days before the second Monday in September, each municipal corporation¹⁵⁶ of the county files with the county auditor a statement of the tax levies and rates for the ensuing year, fixed by such municipal corporations, and at least two copies of the budgets on which such levies are

¹⁵² Acts 1889; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

¹⁵³ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵⁴ Acts 1937; Burns, 1938 suppl., 64-312, 64-313; Baldwin, 1937 suppl., 15897-6, 15897-7.

¹⁵⁵ Acts 1937; Burns, 1938 suppl., 64-309; Baldwin, 1937 suppl., 15897-3.

¹⁵⁶ The term "municipal corporation" includes counties, townships, cities, towns, school districts, and all taxing units within the state. Acts 1933; Burns 64-302; Baldwin 15893.

based.¹⁵⁷ The board of tax adjustment meets on the second Monday of September each year. At the meeting, the auditor lays before the board the said budgets, tax levies, and rates.¹⁵⁸ It is the duty of the board of tax adjustment to examine, revise, change, or reduce (but not increase) any budget, tax levy, or rate, and to hold such budget within the total amount of revenue to be raised therefor from any source whatever. Any changes in budgets must be with respect to the total amounts budgeted for each office, and not the detailed items included in such budgeted classifications. While the board of tax adjustment endeavors to keep the rates within the limits above stated, if it decides that such rates are inadequate, it certifies to the state board of tax commissioners its analysis and recommendations together with such data and facts as may be deemed essential to review. The state board then reviews the budgets and proceeds according to the provisions governing appeals, and may authorize rates beyond the said limits.¹⁵⁹

If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the levies and rates to the said limits, then the auditor calculates and fixes the rates, so that the total tax rate on property within any municipal corporation does not exceed said limits, and certifies his action to each municipal corporation before October 6. Before October 16, appeal to the state board of tax commissioners may be taken by the municipal corporation or by 10 or more taxpayers. On the hearing of such appeals, the state board "may revise, change, or increase" the levy and rate in respect to total amounts budgeted by each office or department, and not as to detailed item. The levy and rate must be kept within the limit originally fixed by the municipal corporation. The state board certifies its decision to the county auditor before December 1, if possible. The budget, levy, and rate thereby fixed are final.¹⁶⁰

After the budget, levy, and rate for each municipal corporation have been finally fixed and determined, as aforesaid, the appropriating body of each municipal corporation allocates the funds to be derived from such levy in such manner that

¹⁵⁷ Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

¹⁵⁸ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁵⁹ Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

¹⁶⁰ Acts 1937; Burns, 1938 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

the expenditures for the ensuing year will remain within the limitations as finally fixed in the manner stated in the two preceding paragraphs.¹⁶¹

If the county council determines that emergency exists requiring expenditures for the current year not authorized by the budget as originally established, or as modified by the state board of tax commissioners, the council may make an additional appropriation and levy. The auditor then certifies the matter to the state board, and its decision thereon is final and conclusive.¹⁶²

The auditor, between the first Monday in July and the last day of December, makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate. This contains several columns, and shows the names of taxpayers in alphabetical order, lands and improvements, mortgage deductions, corporate stock, personal property, valuations, poll tax, assessments of omitted property, land transfers since the last assessment, and all alterations in the assessment lists made by the board of review or the state board of tax commissioners. He numbers each township, city, and town in regular procession. On or before January 1, the county auditor delivers to the auditor of state a complete abstract of all property listed in each township, city, and town, showing valuations, mortgage deductions, number of polls, the amount of each kind of tax, the aggregate thereof in the county, and the rate of each kind assessed. A copy of the abstract is delivered to the treasurer, and another copy is kept by the county auditor.¹⁶³

Property taxes for state, county, township, city, and town purposes are payable to the county treasurer in two equal installments on or before the first Monday in May and the first Monday in November, respectively, in the year following the year for which the property was assessed. If any installment is not paid when it becomes due, such installment becomes delinquent, and a penalty of eight percent of such installment is added. Also the delinquent installment draws interest at the rate of eight percent per annum from the date of delinquency to the time of payment.¹⁶⁴

¹⁶¹ Acts 1937; Burns, 1938 suppl., 64-315; Baldwin, 1937 suppl., 15897-9.

¹⁶² Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁶³ Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

¹⁶⁴ Acts 1919; Burns 64-1502; Baldwin 15748. Acts 1932 (Spec. Sess.); Burns 64-1503; Baldwin 15751. Acts 1935; Burns, 1938 suppl., 64-1542; Baldwin, 1935 suppl., 15765-1.

It is the duty of the county treasurer to collect all such property taxes after they become delinquent. He may levy on personal property at any time after the tax becomes delinquent, or before delinquency if he has good reason to believe the taxpayer is about to leave the county without payment, and sell the same after 10 days' notice of the time and place of sale. Suit in the name of the treasurer may be brought by the prosecuting attorney to collect taxes. Real estate may be sold at a tax sale, on the second Monday in April, after advertisement, but not until 15 months have elapsed since delinquency.¹⁶⁵ The owner or occupant of any land sold for taxes, or any other person having an interest therein, may redeem the same at any time within two years after the sale.¹⁶⁶

FEES

The laws provide for the charging of fees by various county officials. Salaried officials cannot disburse their fees for office expense, or retain the fees or interest thereon as compensation, unless a statute specifically authorizes them to do so. Such fees must be paid into the county treasury. The officer cannot draw any salary while illegally withholding fees.¹⁶⁷

County officials may charge and collect only such fees as are allowed by statute.¹⁶⁸ If an officer collects illegal fees, the county cannot recover them from such officer, since they belong to the person paying same.¹⁶⁹ If the officer unlawfully refuses to pay over fees collected by him, an action lies on his bond;¹⁷⁰ and if he pays over fees which he is entitled to retain, he may sue to recover same.¹⁷¹

¹⁶⁵ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806, 15808 to 15818. Acts 1919, 1931, 1937; Burns, 1938 suppl., 64-2202; Baldwin, 1937 suppl., 15807.

¹⁶⁶ Acts 1919; Burns 64-2301; Baldwin 15819.

¹⁶⁷ Acts 1933; Burns 49-1001, 49-1005; Baldwin 7531, 7535. Acts 1895; Burns 49-1410; Baldwin 7585. *Keifer v. Summers*, 137 Ind. 106, 35 N. E. 1103; *Applegate v. State ex rel. Pettijohn*, 205 Ind. 122, 185 N. E. 911; *Board of County Comrs. v. Lewis*, 81 Ind. App. 601, 144 N. E. 623.

¹⁶⁸ *Noble v. Board of County Comrs.*, 101 Ind. 127; *Legler v. Paine*, 147 Ind. 181, 45 N. E. 604.

¹⁶⁹ *State ex rel. Board of County Comrs. v. Williams*, 39 Ind. App. 376, 77 N. E. 1137.

¹⁷⁰ Acts 1883; Burns 49-142; Baldwin 13094. *Workman v. State ex rel. Board of County Comrs.*, 165 Ind. 42, 73 N. E. 917.

¹⁷¹ *Board of County Comrs. v. Crone*, 36 Ind. App. 283, 75 N. E. 826.

All officers are required to keep complete records of all fees received from any source whatever. Such records are subject to public inspection at any time, and must be inspected by the board of commissioners at their meetings.¹⁷²

FUNDS RECEIVED FROM STATE

The counties receive from the state a portion of the funds in the motor vehicle highway account of the state. This account is composed of excise taxes on motor vehicle fuel, motor vehicles, operators, and chauffeurs.¹⁷³ The portion allotted to the counties is distributed on a basis of vehicular miles of county roads in each county as compared with the total in all of the counties. The 1937 law recites that there are 46,069 miles in Clay County and 4,536,856 miles in all of the counties, but provision is made for a recount by the state highway commission and a change in allocation based thereon.¹⁷⁴ Such funds are used by the county for construction and maintenance of county roads; and 20 percent of such funds may be used to pay off outstanding county unit road bonds.¹⁷⁵

The counties receive from the state a portion of the license fees on liquor dealers. Distribution among the counties is based on the amount paid in for licenses with respect to dealers' premises located outside cities and towns in each county, as compared with the total for such areas in all counties.¹⁷⁶

The counties receive a portion of the intangible tax. Distribution among the counties is on a basis of assessed valuation of the real property in each county, as compared to the total in all counties. One-fourth of the amount received by the county goes into the general fund of the county, and the remainder goes to the school funds of the township, city, and town taxing units on a basis of valuation of the real property in each.¹⁷⁷

Each county receives from the state, as reimbursement,

¹⁷² Acts 1895; Burns 49-1401, 49-1409; Baldwin 7584. Acts 1879 (Spec. Sess.); Burns 49-2723 Baldwin 1443. Acts 1909; Burns 60-213; Baldwin 13864.

¹⁷³ Acts 1937; Burns, 1938 suppl., 36-2801; Baldwin, 1937 suppl., 8695-1.

¹⁷⁴ Acts 1937; Burns, 1938 suppl., 36-2808; Baldwin, 1937 suppl., 8695-8.

¹⁷⁵ Acts 1937, 1939; Burns, 1939 suppl., 36-2804 to 36-2806; Baldwin, 1939 suppl., 8695-4; Baldwin, 1937 suppl., 8695-5, 8695-6.

¹⁷⁶ Acts 1935; Burns, 1938 suppl., 12-811; Baldwin, 1935 suppl., 3764-40 (f).

¹⁷⁷ Acts 1933; Burns 64-922; Baldwin 15920.

about 81 percent of the money spent by the county for welfare assistance.¹⁷⁸

Distribution of the income from the common school fund surplus by the state to the several counties for school purposes is on a basis of average daily attendance of children in grades one to twelve in the schools of the respective counties.¹⁷⁹ School funds are discussed hereinafter under the heading Education.

PUBLIC DEBT

The constitution provides that the total amount of the county debt shall not exceed two percent of the value of the taxable property therein,¹⁸⁰ and a statute provides that such debt shall not exceed two percent of the taxable property less the total of all mortgage exemptions.¹⁸¹

The borrowing of money for the county must be authorized by ordinance of the county council.¹⁸² The notes, bonds, or other evidence of indebtedness are executed by the commissioners and attested by the auditor.¹⁸³ The obligations may bear interest at a rate not exceeding six percent per annum. If the interest rate exceeds five percent, the issuance must be approved by the state board of tax commissioners.¹⁸⁴ The council may provide for maturities at any time not exceeding 52 years from issuance.¹⁸⁵

The bonds are issued after publication of notice, and must be sold for an amount not less than par value and accrued interest. If the amount of the bond issue is to exceed \$5,000, and if 10 taxpayers file objections with the auditor, the objections will be certified to the state board of tax commissioners for hearing and disposition.¹⁸⁶

¹⁷⁸ Acts 1936 (Spec. Sess.), Burns, 1938 suppl., 52-1405, 52-1412; Baldwin, 1937 suppl., 14078-117, 14078-124. This percentage was stated by the auditor of state in an interview on March 31, 1939.

¹⁷⁹ Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns, 28-1013; Baldwin 6490.

¹⁸⁰ Const., art. 13, sec. 1. Exception is made in case of war, foreign invasion, or other public calamity.

¹⁸¹ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

¹⁸² *Ibid.*

¹⁸³ Acts 1899, 1911; Burns 26-540; Baldwin 5405.

¹⁸⁴ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

¹⁸⁵ Acts 1899, 1921, 1929; Burns 26-532, 61-401; Baldwin 5396, 13896.

¹⁸⁶ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

Temporary loans may be authorized to meet current running expenses to an amount not exceeding the revenue for the current year, and only as an anticipation of such revenue. It is the duty of the county council each year to levy an annual tax to pay all such temporary loans.¹⁸⁷

The county council must make a levy of not less than one-tenth of one percent on the taxable property of the county each year, for the purpose of retiring bonds previously issued; and the taxes collected therefrom must be invested in said bonds or other state or county securities, and shall constitute a sinking fund for the ultimate liquidation of such debt.¹⁸⁸ The council must also levy each year a tax sufficient to pay interest for the year on bonds previously issued. If more taxes are collected under this levy than are needed to pay interest, it goes into the sinking fund to pay the principal.¹⁸⁹

APPROPRIATIONS

The power of making appropriations of money to be paid out of the county treasury is vested exclusively in the county council.¹⁹⁰ No money can be drawn from the county treasury not in pursuance of appropriation therefore,¹⁹¹ except in the following instances: (1) Money belonging to the state and commanded by law to be paid into the state treasury; (2) money belonging to any school fund; (3) money belonging to any fund of any township, town, or city, and commanded by law to be paid to such municipality; (4) money, due to any person, which has been paid into the county treasury pursuant to public improvement assessments on persons or property of the county in territory less than the whole county; (5) money, due to any person, which has been paid into the treasury for redemption from any tax or other sale; or money so due that has been paid in pursuant to authority of law as a tender or payment to such person; (6) taxes erroneously paid; (7) funds received from the state or federal governments for welfare assistance or public work projects;¹⁹² (8) salaries fixed by law.¹⁹³

¹⁸⁷ Acts 1899, 1921, 1929; Burns 26-532; Baldwin 5396.

¹⁸⁸ 1 Rev. Stat. 1852, Acts 1859; Burns 26-1006; Baldwin 5247. Acts 1899; Burns 26-515; Baldwin 5379.

¹⁸⁹ 1 Rev. Stat. 1872; Burns 26-1007; Baldwin 5248.

¹⁹⁰ Acts 1899; Burns 26-515; Baldwin 5379.

¹⁹¹ *ibid.*

¹⁹² Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 1935 suppl., 5386.

¹⁹³ Blue v. State ex rel. Powell, 210 Ind. 466, 1 N. E. (2d) 122.

Before the Thursday following the first Monday in August each year, the various officials of the county (including courts, board of commissioners, and township assessors) submit to the auditor estimates of expenditures and probable revenue to be received from the state for the ensuing calendar year. The estimates are kept on file in the auditor's office, subject to inspection by any taxpayer of the county. The auditor publishes notice of the aggregate amount of each of such estimates, and prepares an ordinance making an appropriation by items for the ensuing calendar year for the various purposes for which all of the estimates are required. At the annual meeting of the county council on the first Tuesday after the first Monday in September, the auditor submits all of the estimates to the county council and makes recommendations with reference thereto. The council, at that meeting, considers the estimates and the proposed ordinance, and makes such changes as deemed necessary. A three-fourths vote is required to make appropriation for any item not contained in any estimate or for a greater amount than that named in any item of any estimate. The ordinance making the appropriation for the ensuing year is adopted after being read on at least two separate days. This appropriation is called the annual county budget, and the estimates of expenditures are called budget estimates.¹⁹⁴

If emergency arising after the adjournment of the annual meeting requires appropriations in addition to those originally included in the annual appropriations, additional appropriations may be made by ordinance passed by a two-thirds vote of all the members of the council at a special meeting, after estimates are prepared and submitted in the manner required for annual estimates. If the aggregate amount of the requested appropriation exceeds \$15,000, the ordinance must be read on two separate days before passage.¹⁹⁵ Such addi-

¹⁹⁴ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

Appropriations can be made only by the passage of ordinances. State ex rel. Davis v. Board of County Comrs., 165 Ind. 262, 74 N. E. 1091.

The statutory provision requiring an ordinance for an appropriation to be read on two separate days is mandatory, and on failure to comply therewith the ordinance is invalid. Van Der Vear v. State ex rel. Herron, 97 Ind. App. 1, 165 N. E. 26.

¹⁹⁵ Acts 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385.

The council's determination of emergency is not conclusive on the courts. State v. Board of County Comrs., 204 Ind. 484, 184 N. E. 780.

tional appropriations must be approved by the state board of tax commissioners.¹⁹⁶

When any item of appropriation remains unexpended at the end of the calendar year for which it was appropriated, the amount thereof reverts to the general fund of the county, and no warrant can be drawn thereon. However, time for withdrawal is extended where payment was withheld during such year because of injunction which was later dissolved.¹⁹⁷ It is unlawful to overdraw the amount of any item of appropriation or to use one item for the purpose of another item.¹⁹⁸

No county official or court has power to bind the county by any contract, express or implied, to any extent beyond the amount of money at the time already appropriated by ordinance for the purpose of the obligation attempted to be incurred.¹⁹⁹

CLAIMS AND ALLOWANCES

Claims against the county, duly itemized and verified in writing on forms furnished by the board of commissioners, may be filed with the auditor, who places them on the claim docket and thereafter presents them to the board for decision. At a regular or special session of the board of commissioners, beginning at least five days after the docketing of the claim and three days after publication of notice by the auditor, the commissioners must examine the merits of the claim and may, in their discretion, allow it, in whole or in part, as they find it to be just and owing.²⁰⁰ The board cannot allow a claim that it previously disallowed.²⁰¹

The words "emergency growing out of a flood, fire pestilence, war, or other major disaster" are used in Acts 1937; Burns, 1938 suppl., 64-312; Baldwin, 1937 suppl., 15897-6. Provisions concerning poor relief and welfare services. Acts 1935; Burns, 1938 suppl., 52-174; Baldwin, 1935 suppl., 15320-31. Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1303; Baldwin, 1937 suppl., 14078-100.

¹⁹⁶ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁹⁷ Acts 1899, 1903; Burns 26-574; Baldwin 5388.

¹⁹⁸ Acts 1899; Burns 26-523; Baldwin 5387. Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 195 suppl., 5386.

¹⁹⁹ Acts 1899; Burns 26 525, 26-527; Baldwin 5389, 5931.

But lack of appropriation does not prevent entry of a judgment binding the county, where the court has jurisdiction of the parties and subject matter of the action. Acts 1899; Burns 26-527; Baldwin 5991. Board of County Comrs. v. McGregor, 171 Ind. 634, 87 N. E. 1.

²⁰⁰ Acts 1899; Burns 26 538, 26-804; Baldwin 5403, 5256. Acts 1879 (Spec. Sess.); Burns 26-805, 26-807; Baldwin 5256. Acts 1897; Burns 26-806, 26-809; Baldwin 5260, 5257. Acts 1931; Burns 26-816 to 26 819; Baldwin 5268 to 5271.

²⁰¹ Myers v. Gibson, 152 Ind. 500, 53 N. E. 646.

A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.²⁰² A claim on a contract for work to be conducted under the supervision of the county surveyor, or any architect, engineer, superintendent, or inspector appointed by the board of commissioners, must be accompanied by a certificate of the surveyor or such agent, showing that the work therein mentioned was performed according to contract and that the amount claimed is due and owing by the terms of the contract.²⁰³ A claim based on a judgment or order of a court must be accompanied by a certified copy of such judgment or order.²⁰⁴

For the amount allowed by the board of commissioners, the auditor, after appropriation by the county council, issues a warrant which is countersigned by the treasurer and paid by the treasurer or a public depository designated thereon by him.²⁰⁵ An allowance not called for within five years may be cancelled.²⁰⁶ Preference in payment is given to claims for money advanced by any county officer for the use of the county pursuant to provisions of law or of any order of the board.²⁰⁷ However, no allowance can be made by the board of commissioners to one of its members for articles furnished by him to the county under a contract or otherwise.²⁰⁸

Any person feeling aggrieved by the decision of the board on any claim may appeal to the circuit court. In case of disallowance in whole or in part, the claimant may appeal as aforesaid or bring an independent suit against the board. The claimant must pay the costs of the appeal if he does not recover more on the appeal than was allowed by the board.²⁰⁹ No complaint other than the claim (including certificates and exhibits, if any) presented to the board is required on appeal.²¹⁰ If the board allows only a part of the claim, and

²⁰² Acts 1899; Burns 26-538; Baldwin 5403.

²⁰³ Acts 1899; Burns 26-539; Baldwin 5404.

²⁰⁴ Acts 1911; Burns 26-814; Baldwin 5265.

²⁰⁵ Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

²⁰⁶ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

²⁰⁷ 1 Rev. Stat. 1852; Burns 26-802; Baldwin 5252.

²⁰⁸ Waymire v. Powell, 105 Ind. 328, 4 N. E. 886.

²⁰⁹ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

²¹⁰ Board of County Comrs. v. Wertz, 112 Ind. 268, 13 N. E. 874.

the claimant accepts payment of the amount allowed, he cannot bring suit for the remainder.²¹¹

In pursuance of appropriations by the county council,²¹² courts make allowances against the county covering expenses of the administration of justice.²¹³ Such allowances include fees of witnesses,²¹⁴ jurors,²¹⁵ master commissioners,²¹⁶ sheriffs,²¹⁷ bailiffs,²¹⁸ and salary of the court reporter²¹⁹ and his fees covering transcripts for poor persons.²²⁰

Within ten days after adjournment of the session of the board of commissioners or of the court, at which allowances against the county are made, the auditor publishes notice showing all allowances made by the board or court. A warrant on an allowance by a court cannot be issued until three days after such publication.²²¹

CUSTODY AND DISBURSEMENT OF FUNDS

The treasurer receives all money coming to the county, and disburses it on proper warrants issued and attested by the auditor.²²²

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.²²³ The board designates depositories for public funds, after inviting and receiving proposals from banks and trust companies. The commission of a depository may be revoked by the board at

²¹¹ *Western Constr. Co. v. Board of County Comrs.*, 178 Ind. 684, 98 N. E. 347.

²¹² Acts 1899; Burns 26-515, 26-527; Baldwin 5379, 5391.

²¹³ Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128. Change of venue from county. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236. Blank books and stationery. 2 Rev. Stat. 1852; Burns 49-2709; Baldwin 1436.

²¹⁴ Rev. Stat. 1852; Burns 9-2408; Baldwin 1306.

²¹⁵ Acts 1881 (Spec. Sess.), 1913, 1927, 1933; Burns 4-3319; Baldwin 1277.

²¹⁶ Acts 1881 (Spec. Sess.), 1903; Burns 4-3407; Baldwin 1286.

²¹⁷ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Change of venue from county. Acts 1905; Burns 9-1315; Baldwin 2226.

²¹⁸ Acts 1921, 1935; Burns, '98 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496.

²¹⁹ Acts 1921, 1929; Burns, 1939 suppl., 4-3507; Baldwin, 1939 suppl., 1298-1.

²²⁰ Acts 1893; Burns 4-3511; Baldwin 1300.

²²¹ Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817; Baldwin 5269.

²²² Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103; Baldwin 5550. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 1884-48.

²²³ Acts 1937, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

any time.²²⁴ The resignation of a depository becomes effective 30 days after notice thereof to the board.²²⁵ Monthly statements are furnished by the depository to the board on or before the fifth day of each month, and are preserved in the office of the board.²²⁶ All public funds paid into the county treasury must be deposited by the treasurer daily, in the name of the county, in one or more of such designated depositories. On or before the fifth day of each month, the treasurer must file with the secretary of the board a statement of the balance of funds at the end of the previous month, consistent with the statement furnished by the depository.²²⁷

When the auditor draws a warrant, he charges it against the appropriation and particular fund under which it was drawn. Apportionment is made if more than one fund or appropriation is involved.²²⁸ The number, date, amount, name of payee, and purpose of the order or warrant are entered in a book.²²⁹ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.²³⁰ Before issuing a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.²³¹

On claims (including claims on judgments) allowed by the board of commissioners, the auditor issues his warrant. But a warrant may be issued to pay a judgment, or for insanity inquests, salaries, management of the school fund, or for other liabilities for specific amounts fixed by law, without there being a claim therefor allowed by the board of commissioners.²³² Warrants not called for within five years after al-

²²⁴ Acts 1937; Burns, 1938 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

²²⁵ Acts 1937; Burns, 1938 suppl., 61-640; Baldwin, 1937 suppl., 13844-61.

²²⁶ Acts 1937; Burns, 1938 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

²²⁷ Acts 1937; Burns, 1938 suppl., 61-624; Baldwin, 1937 suppl., 13844-45.

²²⁸ Acts 1899; Burns 26-544; Baldwin 5409.

²²⁹ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

²³⁰ *Ibid.*

²³¹ Acts 1909; Burns 60-215; Baldwin 13866.

²³² Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264.

5265. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. *Blue v. State ex rel. Powell*, 210 Ind. 486, 1 N. E. (2d) 122.

lowance of claim on which drawn may be cancelled by the board of commissioners, if not called for after publication of notice.²³³

Warrants drawn by the auditor on the treasurer must be accompanied by a carbon copy thereof, except as to funds of the state and township. If funds are available to pay the warrant, the treasurer, on presentation to him, detaches and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable. The original warrant is delivered to the payee, and the amount thereof is paid to the payee by the depository on presentation and surrender of the warrant. For the convenience of the payee, the treasurer may pay cash to the holder, on taking an assignment of the warrant, in which event such warrant will be deposited by the treasurer in the depository in lieu of cash.²³⁴ The treasurer must deduct any delinquent taxes owing by the payee.²³⁵ If no funds are available to pay the warrant, the treasurer indorses thereon the words "not paid for want of funds" and the date of such presentment; thereafter the warrant draws legal interest. Interest ceases when funds become available for payment and the treasurer or auditor publishes a call for redemption.²³⁶ Outstanding warrants are redeemed by the treasurer according to priority of time of presentment. Such warrants must be received in payment of county taxes without regard to such priority.²³⁷ When the treasurer redeems a warrant on which interest is due, he makes a notation thereon, and also in his account, showing the amount of interest paid.²³⁸

Every public officer who receives or distributes public funds must keep a cashbook wherein there is entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be kept open to public inspection.²³⁹ The treasurer keeps records of all receipts and disbursements in a general account,

²³³ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 5273.

²³⁴ 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

²³⁵ Acts 1919; Burns 64-1506; Baldwin 15768.

²³⁶ Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

²³⁷ 1 Rev. Stat. 1852; Burns 49-3113; Baldwin 5560.

²³⁸ 1 Rev. Stat. 1852; Burns 49-3112; Baldwin 5559.

²³⁹ Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

and also in separate accounts for the separate appropriations and distinct funds. Current taxes are not entered on his account with the county until after his annual statement.²⁴⁰ The treasurer keeps his books and office subject to inspection by the board of commissioners at any time.²⁴¹ The treasurer, at the end of March, June, September, and December, makes out a report showing the amount of money in the county treasury and each distinct fund thereof. The report is examined by the board of commissioners at their next regular session.²⁴²

The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payor with the auditor, who gives a quietus for same.²⁴³

The board of commissioners, at its first regular session each year, examines the books of the treasurer and auditor;²⁴⁴ and makes out a statement of the receipts and expenditures for the previous calendar year, and causes it to be published and posted.²⁴⁵ The treasurer makes complete settlements with the board of commissioners at its January session each year.²⁴⁶ Settlements by the board of commissioners are not binding on the county where the officer has failed to account for any money received by virtue of his office or failed to perform any duty required of him by law.²⁴⁷

All taxes collected by the treasurer must be deposited in the depository as one fund, except where otherwise provided by law. Semiannually the treasurer settles with the state and the municipal corporations of the county for taxes collected for them by the treasurer. Before such settlements, he advances not exceeding 80 percent when request by the proper officer is made to the auditor and a warrant drawn by him.²⁴⁸

²⁴⁰ 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

²⁴¹ 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555.

²⁴² Acts 1895, 1913; Burns 49-1402; Baldwin 7378.

²⁴³ 1 Rev. Stat. 1852; Burns 49-3104; Baldwin 5551.

²⁴⁴ Acts 1897; Burns 26-636; Baldwin 5237.

²⁴⁵ Acts 1899; Burns 26-546; Baldwin 5411.

²⁴⁶ Acts 1899; Burns 26-531; Baldwin 5295. Formerly the settlement was in June. 1 Rev. Stat. 1852; Burns 49-3116; Baldwin 5563. The state board of accounts now requires that settlements be recorded in the monthly balance record of the auditor and treasurer.

²⁴⁷ Acts 1879 (Spec. Sess.); Burns 26-637; Baldwin 5341.

²⁴⁸ Acts 1937; Burns, 1938 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

ADMINISTRATION OF JUSTICE

JUDICIAL SYSTEM

The judicial system of Clay County is prescribed by the constitution and subsequent acts of the general assembly. The constitution vests the judicial power, so far as the counties are concerned, in the circuit court and "such other courts as the general assembly may establish."²⁴⁹ The constitution further provides for the election, by popular vote, of a clerk of the circuit court and a sheriff in the county²⁵⁰ and a prosecuting attorney in the circuit.²⁵¹

Clay County has a circuit court, the official name of which is "Clay Circuit Court," consisting of one judge elected by the voters of the judicial circuit.²⁵² Clay County alone constitutes the thirteenth judicial circuit.²⁵³ There is no other court of record in the county.

The circuit court has original jurisdiction of all criminal cases under the state laws, civil actions at law, cases in equity, and special statutory proceedings of a judicial nature, including probate matters, guardianships, and juvenile matters. The court is known as the "Juvenile Court" when acting in juvenile matters.²⁵⁴

The circuit court has appellate jurisdiction²⁵⁵ to review decisions of justices of the peace,²⁵⁶ city courts,²⁵⁷ board of commissioners,²⁵⁸ board of review fixing value of property for taxation,²⁵⁹ taxing authorities determining that property is taxable,²⁶⁰ board of public works or board of

²⁴⁹ Const., art. 7, secs. 1, 8.

²⁵⁰ *Ibid.*, art. 6, sec. 2.

²⁵¹ *Ibid.*, art. 7, sec. 11.

²⁵² *Ibid.*, secs. 1, 8, 9. Acts 1881 (Spec. Sess.); Burns 4-301, 4-302; Baldwin 1395, 1396.

²⁵³ Acts 1927, ch. 27, sec. 1.

²⁵⁴ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1938 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

²⁵⁵ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

²⁵⁶ *Ibid.* 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

²⁵⁷ Acts 1905; Burns 4-2415; Baldwin 2390. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

²⁵⁸ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1933; Burns 27-117; Baldwin 5753. Acts 1905; Burns 36-1501; Baldwin 6858. State ex rel. Sink v. Circuit Court, —Ind.—, 15 N. E. (2d) 624.

²⁵⁹ Acts 1927; Burns 64-1020; Baldwin 15686.

²⁶⁰ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

park commissioners of any city in the county (or city council performing such functions),²⁶¹ miners' examination board,²⁶² and other inferior tribunals when no express direction is given as to the court to which the appeal lies.²⁶³

The circuit court has original jurisdiction of naturalization proceedings under the federal laws.²⁶⁴

The only judiciary of minor jurisdiction in Clay County are the justices of the peace, elected by the voters of each township.²⁶⁵ The civil jurisdiction of the justice of the peace is limited to his township, but the criminal jurisdiction is co-extensive with his county.²⁶⁶ The justices must pay to the county treasurer all fines which they collect.²⁶⁷

The clerk of the circuit court, in person or by deputy, attends the circuit court, and performs the customary clerk's duties at trials;²⁶⁸ files pleadings and papers and endorses thereon the time of such filing;²⁶⁹ issues summonses,²⁷⁰ notices for service by publication,²⁷¹ attachment writs,²⁷² garnishment writs,²⁷³ executions,²⁷⁴ and witness subpoenas;²⁷⁵ administers oaths;²⁷⁶ takes depositions of witnesses;²⁷⁷ keeps court dockets;²⁷⁸ records orders, judg-

²⁶¹ Acts 1933; Burns 48-4501; Baldwin 11576.

²⁶² Acts 1923; Burns 46-1008; Baldwin 11073.

²⁶³ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. *Hamilton v. Fort Wayne*, 73

Ind. 1.

²⁶⁴ Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357.

²⁶⁵ Const., art. 7, sec. 14. Acts 1913; Burns 5-101; Baldwin 1828.

²⁶⁶ 2 Rev. Stat. 1852; Burns 5-201; Baldwin 1857. Acts 1905; Burns 9-715; Baldwin 2084.

²⁶⁷ Acts 1881; Burns 5-1803; Baldwin 1874.

²⁶⁸ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²⁶⁹ Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 288. 2 Rev. Stat. 1852;

Burns 49-2706; Baldwin 1433.

²⁷⁰ Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83.

²⁷¹ Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1938 suppl., 2-807; Baldwin, 1935 suppl., 88.

²⁷² Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

²⁷³ Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

²⁷⁴ Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 521 *et seq.*

²⁷⁵ Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

²⁷⁶ 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

²⁷⁷ Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

²⁷⁸ Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-3314; Baldwin 392, 524. 2 Rev. Stat.

1852; Burns 49-2706; Baldwin 1433.

ments,²⁷⁹ notices of lis pendens,²⁸⁰ and probated wills;²⁸¹ draws up a record of the proceedings of the court daily;²⁸² enters in a final record book a complete record of causes finally determined;²⁸³ and receives payment of all judgments of record in his office.²⁸⁴ Under authority of the federal laws, he files naturalization declarations and certificates, keeps records of naturalization proceedings, and makes a report thereof to the United States Immigration and Naturalization Service.²⁸⁵

The sheriff, in person or by deputy, executes the process of the circuit and preserves order therein.²⁸⁶ Constables perform similar duties for the justices of the peace.²⁸⁷

The prosecuting attorney acts as attorney for the state in criminal cases and as attorney for the county and state in civil cases.²⁸⁸

Formerly a jury was used in coroner's inquests, but such juries were abolished in 1879.²⁸⁹ Under the present system, coroners act in a nonjudicial capacity when holding inquests.²⁹⁰

An act of 1939, not effective until June 30, 1939, creates a magistrates court consisting of two or more magistrates. The court will have jurisdiction throughout the county in

²⁷⁹ Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 968 note. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²⁸⁰ Acts 1881 (Spec. Sess.), 1889; Burns 2-813 to 2-821; Baldwin 94 to 96, 101, 102, 97 to 100. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1.

²⁸¹ Domestic probate. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411; Baldwin 3385. Foreign probate. 2 Rev. Stat. 1852; Burns 7-415 to 7-417; Baldwin 3389 to 3391.

²⁸² 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

²⁸³ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²⁸⁴ Acts 1875; Burns 49-2719; Baldwin 1438.

²⁸⁵ Acts of Congress 1906, 1911, 1913; U. S. C., title 8, secs. 257, 400. U. S. Executive Order (June 10, 1933) 6166, sec. 14. Acts 1933, 1937; Burns, 1938 suppl., 49-1007; Baldwin, 1937 suppl., 7537.

²⁸⁶ Acts 1881 (Spec. Sess.); Burns 2-802; Baldwin 83. 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495.

²⁸⁷ 2 Rev. Stat. 1852; Burns 5-601; Baldwin 2063. Acts 1905; Burns 9-710; Baldwin 2061. 2 Rev. Stat. 1852; Burns 49-3401, 49-3403, 49-3407; Baldwin 16116, 16119, 16122.

²⁸⁸ 2 Rev. Stat. 1852; Burns 49-2501, 49-2504; Baldwin, 5456, 5460.

²⁸⁹ Acts 1817-18 (general), ch. 20. Acts 1879 (Spec. Sess.); Burns 49-2907; Baldwin 5441.

²⁹⁰ Stults v. Board of County Comrs., 168 Ind. 539, 81 N. E. 471.

cases of petty offenses under the state laws and all offenses under traffic ordinances, and will supersede the jurisdiction of justices of the peace and mayors over traffic offenses.²⁹¹

ENFORCEMENT OF CRIMINAL LAWS

Investigations of alleged violations of criminal laws are conducted by the prosecuting attorney,²⁹² the sheriff,²⁹³ or the coroner,²⁹⁴ co-operating with one another and with state and federal bureaus of law enforcement;²⁹⁵ and the results of such investigations, if they point toward violations of the law, are presented to the grand jury by the prosecuting attorney.²⁹⁶

The prosecuting attorney or his deputy may appear before the grand jury for the purpose of interrogating witnesses or giving information relative to any matter cognizable by it or giving requested advice on any legal matter, but he cannot be present during the deliberations of the grand jury.²⁹⁷ The grand jury consists of six members,²⁹⁸ at least five of whom must concur in the finding of an indictment. When an indictment is found, it is endorsed by the foreman of the grand jury, "A true bill", and also signed by the prosecuting attorney.²⁹⁹

The prosecuting attorney conducts all prosecutions for felonies and misdemeanors charged in indictments returned by the grand jury.³⁰⁰ He may also prosecute on affidavit all public offenses other than treason and murder.³⁰¹

Actual enforcement of criminal law in the county is entrusted to the sheriff and the coroner, both officers having existed in Clay County since its organization.³⁰² As law en-

²⁹¹ Acts 1939, ch. 164.

²⁹² 2 Rev. Stat. 1852; Burns 49-2503; Baldwin 5459.

²⁹³ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

²⁹⁴ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1838 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

²⁹⁵ Acts 1927; Burns 9-2603 to 9-2610; Baldwin 15353 to 15355, 15357 to 15361.

²⁹⁶ Acts 1905, 1927; Burns 9-806, 9-901, 9-908; Baldwin 2102, 2123, 2131.

²⁹⁷ Acts 1905; Burns 9-826; Baldwin 2122.

²⁹⁸ Acts 1905; Burns 9-801; Baldwin 2097.

²⁹⁹ Acts 1905; Burns 9-901; Baldwin 2123.

³⁰⁰ 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

³⁰¹ Acts 1905, 1927; Burns 9-908; Baldwin 2131.

³⁰² Both were established by the Constitution of 1816, art. 4, sec. 25, and re-established by the present constitution, art. 6, sec. 2.

forcement officers, they have identical powers and duties;³⁰³ in practice, however, the coroner performs few of these duties, except in the absence or incapacity of the sheriff. These officers make arrests in accordance with warrants issued by the circuit court or by the clerk of the circuit court, and based on indictments returned by the grand jury or affidavits filed with the courts.³⁰⁴ Writs of arrest may also be issued by the coroner, when the results of an inquest indicate that murder was committed.³⁰⁵ Arrest without warrant can be made for a felony, where the arresting officer has reliable information of the commission of the crime by the person arrested; and arrest without warrant can be made for a felony or misdemeanor committed within view of the arresting officer.³⁰⁶ A warrant issued to the sheriff of the county in which the indictment was found or the affidavit was filed may be executed by him in any county of the state.³⁰⁷

The constitution provides that all judicial officers shall be conservators of the peace in their respective jurisdictions,³⁰⁸ and that all criminal prosecutions shall be carried on in the name, and by the authority, of the state.³⁰⁹

The county jail is maintained by the county,³¹⁰ the sheriff being responsible for its management.³¹¹ Inspection or investigation is made by the grand jury at the beginning of each regular session,³¹² and by the board of commissioners every three months.³¹³

EDUCATION

The public school system of Indiana began with the Ordinance of 1787.³¹⁴ The first financial support for a public

³⁰³ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

³⁰⁴ Acts 1881 (Spec. Sess.); Burns 3-302; Baldwin 725.

³⁰⁵ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

³⁰⁶ *Doering v. State*, 49 Ind. 56, 19 Am. Rep. 669; *Hart v. State*, 195 Ind. 384, 145 N. E.

449.

³⁰⁷ Acts 1905, 1937; Burns, 1938 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

³⁰⁸ Const., art. 7, sec. 15.

³⁰⁹ *Ibid.*, sec. 18.

³¹⁰ 1 Rev. Stat. 1852; Burns 13-1001; Baldwin 13448.

³¹¹ 1 Rev. Stat. 1852; Burns 13-1004; Baldwin 13453.

³¹² 1 Rev. Stat. 1852; Burns 13-1002; Baldwin 13449.

³¹³ Acts 1909; Burns 13-1008; Baldwin 13460.

³¹⁴ Ordinance 1787, art. 3.

school system came from sale of lands of section 16 of each Congressional township.³¹⁵ Interest in education grew slowly before 1850, and it was not until after the Constitution of 1851 and the school law of 1852 that education received suitable attention from the state.³¹⁶ The school law of 1865 brought the most complete revision.³¹⁷

The constitution provides that the general assembly shall encourage and provide for a general and uniform system of common schools.³¹⁸

Several sources of revenue specified in the Constitution of 1851 were grouped into one fund that became known as the common school fund.³¹⁹ With the growth of this fund, there came an increase in enrollment and an increase in the length of the schools term, and though many schools were consolidated, there was a growth in the valuation of school property.

In 1866 the enrollment in the common schools of Clay County was 3,972 pupils.³²⁰ The length of the term averaged 65 days.³²¹ At this time there were no high schools, but a county seminary had been established some years before.³²²

By 1885 the enrollment in the public schools had jumped to 6,856 pupils, and the high school had become an accepted part of the educational system. However, the only high school was in Brazil. The length of the term had grown to 115 days. There were 107 school buildings in the county, though most of them were one-room schools. The valuation of all school property was \$110,860.³²³

Statistics for 1938 show that Clay County now has 6,782 pupils schooled in 49 school units, of which 8 are high schools or combined grade and high schools. The length of the school term has become 165 days, and the total valuation is now \$18,388,755.³²⁴

There are three types of school organizations. The schools that are commonly known as county schools are, in reality,

³¹⁵ 3 U. S. Stat. 289, sec. 6 (1); Burns, vol. 1, p. 302.

³¹⁶ Const., art. 8; Acts 1852.

³¹⁷ Acts 1865; Burns 28-101; Baldwin 6499.

³¹⁸ Const., art. 8, sec. 1.

³¹⁹ Const., art. 8, secs. 2-7. Burns 28-101; Baldwin 6499.

³²⁰ *Annual Report of the State Superintendent of Public Instruction, 1865-66*, appendix : 12.

³²¹ *Ibid.*

³²² See Historical Sketch under part A 1 of this book.

³²³ *Annual Report of the State Superintendent of Public Instruction, 1885-86*, pp. 224, 236, 240.

³²⁴ *Ibid.*, 1937-38, pp. 404, 423.

township schools and are operated by the township trustee. There are also town and city schools. These are operated in a similar manner by school boards. In cities or towns of not over 58,000 population (Brazil, Carbon, Center Point, and Knightsville) the common council appoints a school board of three members.³²⁵

The county superintendent, who is elected by the township trustees, has charge of each township institute, aids the trustee in the supervision of the township schools, and carries out all orders and instructions of the state superintendent of public instruction and the state board of education.³²⁶ He has no supervision of city or town schools.³²⁷

The township trustees, the county superintendent, and the chairman of the school trustees of each city and town in the county compose the county board of education. However, the city and town trustees do not take an active part in the business of the board. The board meets semiannually and considers the general needs of the schools.³²⁸

Attendance is compulsory in all the schools in the county for every child between the ages of seven and sixteen. Exceptions are based on physical or mental condition and on court decisions.³²⁹

In 1816 the Congressional township fund was provided for the development of the public school system. The fund was composed of the proceeds of the sale of the lands of section 16 of every Congressional township.³³⁰ The fund was not very well handled during these years, and the public schools were allowed to struggle on as well as they could.³³¹

By 1850 the people of the state were convinced that something more should be done for the support of the school system. Acts of the general assembly diverted moneys from various sources (enumerated below) to the schools, but negligent—not to say, in some instances, fraudulent—management oftentimes depleted school funds. Thus, the Constitution of 1851 estab-

³²⁵ Acts 1905, 1915, 1919; Burns 28-1201; Baldwin 5962.

³²⁶ Acts 1899, 1911, 1913; Burns 28-702, 28-704; Baldwin 5931, 5938.

³²⁷ Acts 1899; Burns 28-705; Baldwin 5940.

³²⁸ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Interview with Grover Van Duyn, as-

sistant state superintendent of public instruction.

³²⁹ Acts 1921; Burns 28-505; Baldwin 6698.

³³⁰ 3 U. S. Stat. 289, sec. 6 (1); Burns, vol. 1, p. 302.

³³¹ Logan Esarey, *History of Indiana*, 2:679, sec. 122.

lished the common school fund:³³² composed of the Congressional township fund and the lands belonging thereto; the United States surplus revenue; the bank tax fund; the saline fund and the lands belonging thereto; the funds to be derived from the sale of county seminaries; fines and forfeitures; and the proceeds from the sales of all lands that belonged to the state in 1851.³³³

The constitution further provided that the principal of the common school fund remain a perpetual fund and be invested so that it might increase but never diminish; and that only the interest earned by the fund may be expended.³³⁴ The general assembly was given the right to invest all funds that were not already under the supervision of the counties; and they were to distribute the interest to the counties.³³⁵ Interest at the rate of five percent is charged on the common school fund and on the Congressional township fund. For the school year of 1937-1938, Clay County received a total of \$7,546.99 from the interest on the common school fund from the funds managed by the state.³³⁶ These funds are for school tuition purposes.

Since 1865, the funds managed by the county have been kept in two separate funds by the county auditor.³³⁷ Each county is held liable for the preservation of the funds entrusted to it, and for the payment of the annual interest.³³⁸

In 1933 the general assembly inaugurated a plan for state aid to the schools. There are three main sources of funds that are returned to the county.

From the general fund (based on revenue collected as the gross income tax) the state supplies the county with tuition support of not less than \$700 annually for each teaching unit of 35 pupils in average daily attendance in grades one to eight, and for each unit of 25 pupils in average daily attendance in grades nine to twelve.³³⁹ The total amount received by Clay County from this source during the 1937-1938 school year was \$129,850.³⁴⁰

³³² Const., art. 8, secs. 2-7.

³³³ Const., art. 8, sec. 2. Acts 1865; Burns 28-101; Baldwin 6499.

³³⁴ Const., art. 8, sec. 3.

³³⁵ Const., art. 8, sec. 4. Acts 1907; Burns 28-102; Baldwin 6500.

³³⁶ *Annual Report of the State Superintendent of Public Instruction, 1937-38*, p. 439.

³³⁷ Acts 1865; Burns 28-106; Baldwin 6512.

³³⁸ Const., art. 8, sec. 6. Acts 1865; Burns 28-104; Baldwin 6499-1.

³³⁹ Acts 1933, 1935, 1937; Burns 28-1001, 28-1002; Baldwin 6502, 6503.

³⁴⁰ *Annual Report of the State Superintendent of Public Instruction, 1937-38*, p. 442.

From the moneys collected by the excise tax on alcoholic beverages, one-third is distributed to the school corporations on the basis of average daily attendance (which took the place of the enumeration).³⁴¹ Clay County received \$6,233.40 from this source for the school year 1937-1938.³⁴²

A state stamp tax on intangible property has further provided financial aid to the schools. The money is collected and held separate from the general fund. Of the total amount, 10 percent is kept by the state for the expense of administering that tax, and the remaining amount is apportioned to the counties in the proportion that the assessed valuation of real property in each county bears to the aggregate assessed valuation of real property in the state. The county then retains for its general fund one-fourth of the amount received and distributes the remainder to the school taxing units. Apportionment among such units is based on the assessed valuation of real property of the county.³⁴³ For the school year 1937-1938 the school taxing units of Clay County received \$4,217.06 from this source.³⁴⁴

In 1933 the common school relief fund was established for the purpose of enabling schools to continue in operation. The fund is derived from a seven-cent tax levy on each \$100 of taxable property, real or personal, and a poll tax of 50 cents on each taxable poll.³⁴⁵ Any school needing financial aid must file a certificate with the county superintendent of schools stating its needs.³⁴⁶ The county superintendent forwards the certificate to the state board of education,³⁴⁷ and this board and the state board of accounts must examine the certificate and decide on the amount to be allotted to the school unit.³⁴⁸ The money received must first be used to pay any unpaid items of operating expenses; and any surplus must be used for the operating expenses of the current year.³⁴⁹

³⁴¹ Acts 1935; Burns, 1938 suppl., 12-811; Baldwin, 1937 suppl., 3764-40f. Acts 1865, 1893, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

³⁴² *Annual Report of the State Superintendent of Public Instruction, 1937-38*, p. 439.

³⁴³ Acts 1933; Burns 64-922; Baldwin 15920.

³⁴⁴ *Annual Report of the State Superintendent of Public Instruction, 1937-38*, pp. 424-44.

³⁴⁵ Acts 1933; Burns 28-901; Baldwin 6431.

³⁴⁶ Acts 1933; Burns 28-903; Baldwin 6433.

³⁴⁷ Acts 1933; Burns 28-904; Baldwin 6434.

³⁴⁸ Acts 1933; Burns 28-905; Baldwin 6435.

³⁴⁹ Acts 1933, 1935; Burns, 1938 suppl., 28-907; Baldwin 6437.

Clay County, in the school year of 1937-1938, received \$72,992.54 from this fund.³⁵⁰

Cities, towns, and townships may levy property taxes or poll taxes³⁵¹ for the following school purposes: Renting, repairing, and constructing schoolhouses; furnishings, apparatus, fuel, tuition, and other current expenses;³⁵² to enforce compulsory education and keep poor children in school;³⁵³ to provide rooms and equipment for the teaching of agriculture, domestic science, physical culture, and practical mental culture;³⁵⁴ establishment of vocational schools;³⁵⁵ and for the retirement of school bonds.³⁵⁶

PUBLIC WORKS AND PROPERTY

The board of commissioners has power: To make orders respecting the property of the county in conformity to law; to sell the public grounds of the county on which public buildings are situated, and to purchase in lieu thereof, in the name of the county, other grounds in the county seat on which such buildings shall be erected; to purchase other lands for the enlargement of the public square, and to take care of and preserve such property; to grant licenses, permits, or franchises with respect to the use of the property of the county.³⁵⁷ No sale, conveyance, or purchase, by the board, of real estate of the value of \$1,000 can take place except pursuant to ordinance of the county council authorizing such sale or purchase and fixing the terms and conditions thereof.³⁵⁸ The board cannot sell county property, real or personal, except at public auction after 60 days' notice by publication and posting.³⁵⁹

³⁵⁰ *Annual Report of the State Superintendent of Public Instruction, 1937-38*, p. 463 (only distribution for first period of 1937-1938 shown).

³⁵¹ Acts 1919; Burns 64-101; Baldwin 15514.

³⁵² Acts 1865, 1873, 1905, 1917; Burns 28 1101; Baldwin 6442.

³⁵³ Acts 1921; Burns 28-513; Baldwin 6706.

³⁵⁴ Acts 1913; Burns 28-3421; Baldwin 6468.

³⁵⁵ Acts 1913; Burns 28-4902; Baldwin 6448.

³⁵⁶ Acts 1937; Burns, 1938 suppl., 28-3218; Baldwin, 1937 suppl., 6623-11.

³⁵⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 26-620; Baldwin, 1935 suppl., 5236.

³⁵⁸ Acts 1899; Burns 26-534; Baldwin 5299.

³⁵⁹ Acts 1907; Burns 26-2008; Baldwin 5107.

ROADS AND BRIDGES

The board of commissioners has power to construct and maintain roads³⁶⁰ and bridges.³⁶¹ Generally, the preliminary procedure for such construction is as follows: Taxpayers file with the board of commissioners a petition requesting the improvement; notice of hearing before the board is published; taxpayers opposing the petition file remonstrances; viewers appointed by the board make inspection and recommendations; damages to landowners are determined; the petition is finally approved; a contract for the work is let; and the damages are paid. In some instances, bonds may be issued for the construction of roads³⁶² and bridges,³⁶³ and special assessment liens charged against the land benefited by the road.³⁶⁴ The county may render financial assistance to the state highway commission in the construction of any state highway located wholly within the county, and any bridge (on such highway) over a stream forming the county boundary.³⁶⁵

The county surveyor ordinarily prepares the plans and specifications for, and has general supervision of, the construction of roads and bridges. If he is not a competent civil engineer, the board may appoint a competent civil engineer to perform such duties.³⁶⁶

The county surveyor, or a highway supervisor (other than the surveyor) appointed by the board, has general supervision of the maintenance and repair of all roads, bridges, and culverts which are maintained from the highway fund of the county.³⁶⁷ He makes maps of all county roads, and gives

³⁶⁰ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1923; Burns 36-1001; Baldwin 9020. Acts 1905; Burns 36-1204; Baldwin 8807. Acts 1905; Burns 36-1301 *et seq.*; Baldwin 8787 *et seq.* Acts 1921; Burns 36-1401 *et seq.*; Baldwin 8904 *et seq.*

³⁶¹ Acts 1905, 1907, 1929; Burns 36-1901; Baldwin 9236. Acts 1905, 1911, 1913; Burns 36-2001; Baldwin 9191. Acts 1903, 1923; Burns 36-2002; Baldwin 9192. Acts 1920; Burns 36-2401 *et seq.*; Baldwin 9151 *et seq.*

³⁶² Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1435 to 36-1443; Baldwin 8938 to 8946. Acts 1937; Burns, 1938 suppl., 36-332; Baldwin, 1937 suppl., 8859-1.

³⁶³ Acts 1920 (Spec. Sess.); Burns 36-2402; Baldwin, 9152. Acts 1927; Burns 36-2421; Baldwin 9171. Acts 1929, 1937; Burns, 1938 suppl., 36-2432; Baldwin, 1937 suppl., 9182. Acts 1927; Burns 36-2441; Baldwin 9128.

³⁶⁴ Acts 1905; Burns 36-1308; Baldwin 8794. Acts 1921; Burns 36-1412 to 36-1414; Baldwin 8915 to 8917.

³⁶⁵ Acts 1923, 1929; Burns 36-136 to 36-141; Baldwin 8672 to 8675, 8678, 8679.

³⁶⁶ 1 Rev. Stat. 1852. Acts 1911; Burns 49-3309; Baldwin 5085.

³⁶⁷ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

each road a name or number, so that the roads may be efficiently patrolled for making repairs.³⁶⁸ Weeds must be cut and removed each year between June 15 and September 1.³⁶⁹

All expenses incurred in the maintenance, repair, and preservation of county roads must be paid out of funds received by the county from the motor vehicle highway account of the state; and no tax can be levied for such purpose except by the unanimous vote of the county council in case of extraordinary emergency or indispensable necessity.³⁷⁰

DRAINAGE

Drainage districts and special assessment liens on the land in the benefited area, to pay the drainage, may be established by the circuit court or superior court on petition of landowners, after reference to the surveyor.³⁷¹ The petition will be dismissed if owners of two-thirds of the land affected remonstrate within 20 days.³⁷² If the original assessment is insufficient to complete the work, an additional assessment may be ordered after report of the surveyor, notice to the landowners, and hearing by the court.³⁷³ After assessments are adjusted and confirmed, they are placed on the ditch duplicate and collected in the same manner in which taxes are collected.³⁷⁴

The county surveyor has general supervision of the construction and maintenance of all ditches, drains, and levees. He makes all necessary surveys, maps, plans, and specifications when courts grant petitions for constructions.³⁷⁵ The law requires that open ditches be cleaned out and repaired biennially, and that weeds, willows, and debris be removed therefrom annually, and that public tile drains be repaired whenever necessary.³⁷⁶

³⁶⁸ Acts 1933; Burns 36-1109; Baldwin 8707.

³⁶⁹ Acts 1939, ch. 140, sec. 1.

³⁷⁰ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715. Acts 1937, 1939; Burns, 1939 suppl., 36-2804; Baldwin, 1939 suppl., 8695-4. Acts 1937; Burns, 1938 suppl., 36-2806; Baldwin, 1937 suppl., 8695-6.

³⁷¹ Acts 1933; Burns 27-104, 27-109, 27-116, 27-134; Baldwin 5740, 5745, 5752, 5770.

³⁷² Acts 1933; Burns 27-108; Baldwin 5744.

³⁷³ Acts 1933; Burns 27-122; Baldwin 5758.

³⁷⁴ Acts 1933; Burns 27-134; Baldwin 5770.

³⁷⁵ Acts 1933; Burns 27-101, 27-201; Baldwin 5737, 5775. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

³⁷⁶ Acts 1933, 1935; Burns, 1938 suppl., 27-203, 27-210; Baldwin, 1935 suppl., 5777, 5784.

See Acts 1939, ch. 68.

The board of commissioners may, by purchase or eminent domain, acquire lands and rights necessary to obtain a right-of-way for drainage or easement for sewers, when necessary for the proper maintenance of any county building or institution.³⁷⁷

PUBLIC BUILDINGS

The law provides that the board of commissioners must cause a courthouse, jail, and public offices for the clerk, recorder, treasurer, and auditor to be erected and furnished, where the same has not been done; and must keep all the public buildings of the county in repair; and that such offices must be fireproof, if practicable.³⁷⁸

For the purpose of acquiring a new courthouse, the board, without appraisement and without authority from the county council, may sell to the state any lands of the county containing public buildings, and buy other land for courthouse grounds. The proceeds of sale can be used only for such purpose. Additional funds therefor may be raised by issuing bonds or notes.³⁷⁹

If the courthouse or jail is wholly or partly destroyed by fire or windstorm, it may be reconstructed or repaired by the board, and bonds issued therefor, and a tax levied to pay for the bonds.³⁸⁰

County buildings, not needed by the courts or for county business, may be leased to the city or town in which such buildings are located for a term not exceeding 10 years in any one lease,³⁸¹ or to private persons or corporations for a term not exceeding five years.³⁸²

The board may construct and maintain public halls, and provide a custodian, janitor, lights, and heat therefor; and may join with a city for such purpose, or sell such halls to a city or town.³⁸³ The board may erect soldiers' monuments³⁸⁴ and memorial buildings.³⁸⁵

³⁷⁷ Acts 1937; Burns, 1938 suppl., 26-640; Baldwin, 1937 suppl., 5236-1.

³⁷⁸ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240.

³⁷⁹ Acts 1917, 1920 (Spec. Sess.); Burns 26-2201 to 26-2210; Baldwin 5165 to 5174.

³⁸⁰ Acts 1935; Burns, 1938 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

³⁸¹ Acts 1909; Burns, 26-1801 to 26-1804; Baldwin 5151 to 5154.

³⁸² Acts 1919; Burns 26-1805 to 26-1810; Baldwin 5155 to 5160.

³⁸³ Acts 1903; Burns 26-1901 to 26-1906; Baldwin 5146 to 5164.

³⁸⁴ Acts 1865, 1891; Burns 26-1701; Baldwin 5298.

³⁸⁵ Acts 1913; Burns 26-1707; Baldwin 5132.

Contracts for construction of public buildings may be let by the board of commissioners in pursuance of appropriation by the county council,³⁸⁶ after plans and specifications adopted by the board have remained in the auditor's office for 30 days open to public inspection, notice inviting bids has been published, and bids, affidavits, and bonds have been received from bidders.³⁸⁷

OTHER PUBLIC PROPERTY

The board of commissioners may, without petition, purchase or otherwise acquire lands within the county for park purposes and make the necessary improvements thereon.³⁸⁸ If 200 persons, who are taxpayers and voters, petition the board to acquire land for park purposes, the board gives 60 days' notice by publication and conducts a public hearing on the question. If 20 percent of the resident taxpayers file remonstrances on or before the day fixed for hearing, the petition will be dismissed.³⁸⁹ The board may acquire land to convey to the state for park purposes, on petition of 200 persons who are taxpayers and voters, publication of 30 days' notice, public hearing, consent of the governor and the director of the state department of conservation, fixing tax levy, and issuing bonds (if needed). The petition will be dismissed if 25 percent of the resident taxpayers file remonstrances before the date fixed for hearing.³⁹⁰

The board of commissioners may acquire, by purchase or gift, any lands within the county for the purpose of a permanent public forest.³⁹¹ Purchase for such purpose may be made on petition signed by 50 or more freeholders of the county, after publication of notice, a public hearing, and fixing a tax levy to pay for same. Money may be raised by bond issue or temporary loan.³⁹² A gift of lands to the county on condition that they be maintained as a public forest can be accepted only by a majority of the board of commissioners and county council in joint

³⁸⁶ Acts 1899; Burns 26-525; Baldwin 5389.

³⁸⁷ Acts 1899; Burns 26-537; Baldwin 5402. Acts 1907; Burns 26-2001 to 26-2005; Baldwin

5100 to 5104.

³⁸⁸ Acts 1923, 1927; Burns 26-1501; Baldwin 5199.

³⁸⁹ Acts 1923; Burns 26-1503, 26-1504; Baldwin 5201, 5202.

³⁹⁰ Acts 1927; Burns 26-1512 to 26-1516; Baldwin 5190 to 5194.

³⁹¹ Acts 1929; Burns 32-101; Baldwin 4875.

³⁹² Acts 1929, 1935; Burns, 1938 suppl., 32-102; Baldwin, 1935 suppl., 4876.

session.³⁹³ Any taxpayer may appeal to the circuit court.³⁹⁴

Saline and meander lands bordering on lakes and streams, owned by the state, may be purchased by the county to be used for a public park or public forest, or both, on order of the board of commissioners, by filing petition with the circuit or superior court, appraisal of lands, and payment of value.³⁹⁵

The board may permit county lands within one and one-half miles of a city or town to be used by such city or town for park purposes. Title to the land remains in the county.³⁹⁶

The board, on petition of a majority of the voters in the county, may purchase land to be used for fair grounds,³⁹⁷ and thereafter sell such land or any part thereof, if it is no longer an eligible location for fairs.³⁹⁸

The county may, separately or in conjunction with another county or city, acquire, maintain, and dispose of airports and appurtenances necessary and useful in connection therewith.³⁹⁹

Lands conveyed to the board of commissioners for the purpose of a public or private cemetery shall be held by the board forever in trust for such purpose,⁴⁰⁰ subject to the exceptions hereinafter stated. The board, in which title is vested, may convey any public cemetery to any city or town within the vicinity thereof on application of such city or town,⁴⁰¹ and may convey any cemetery, public or private, to a cemetery association on petition of a majority of the persons, being residents of the county and heads of families, whose dead are buried in the cemetery.⁴⁰²

SOCIAL SERVICE

Since the beginning of the twentieth century, the functions of government have become more concerned with sociological aspects. As a result of this development, we have a complicated system of laws dealing with health and sanitation;

³⁹³ Acts 1929; Burns 32-105; Baldwin 4879.

³⁹⁴ Acts 1929, 1935; Burns, 1938 suppl. 32-109; Baldwin, 1935 suppl., 4881-1.

³⁹⁵ Acts 1929; Burns 62-217 to 62-225; Baldwin 15260 to 15268.

³⁹⁶ Acts 1911; Burns 26-1526 to 26-1531; Baldwin 5181 to 5186.

³⁹⁷ Acts 1873; Burns 26-1517, 26-1518; Baldwin 5330, 5331.

³⁹⁸ Acts 1873; Burns 26-1519; Baldwin 5332.

³⁹⁹ Acts 1920 (Spec. Sess.), 1921; Burns 14-301 to 14-306; Baldwin 4021, 4023 to 4026.

⁴⁰⁰ 1 Rev. Stat. 1852; Burns 25-1521; Baldwin 10600.

⁴⁰¹ Acts 1905; Burns 48-6003; Baldwin 12665.

⁴⁰² Acts 1881 (Spec. Sess.); Burns 21-210, 21-211; Baldwin 4626, 4627.

assistance to the poor, aged, and crippled; aids to agriculture; inspection of commodities; and traffic control of county highways.

The board of commissioners makes suitable rules and regulations covering traffic on highways in the county, and takes steps necessary to enforce the rules. If the highway is on a county line, the boards of commissioners of the respective counties, in joint session, make the rules.⁴⁰³ The highway supervisor has police power in the control of the highways of the county and may fix the limits of the loads for any highway, bridge, or culvert.⁴⁰⁴

The statewide interest in agriculture was so strong in 1851 that the constitution of that year provided that agriculture improvement should be encouraged.⁴⁰⁵ Later the office of agricultural agent was established for the purpose of furthering local agriculture education, and for co-operating with and advising farmers and teachers.⁴⁰⁶ Allowances may be made out of the county's general fund to agricultural societies for the promotion of agricultural and horticultural interests.⁴⁰⁷

PUBLIC HEALTH

The state board of health closely supervises and directs all local public health activities.⁴⁰⁸ Public health is administered in the county by a part-time health officer, who is responsible to the board of commissioners and the state board of health. The local health officer, although appointed by the board of commissioners, must be approved by the state board before such appointment may be made.⁴⁰⁹ The state board of health is composed of several bureaus which perform many services for the local health officers. Some of these bureaus furnish laboratory services such as dairy products inspections, water analysis, food and drug analysis, and bacteriological and pathological tests.⁴¹⁰

The educational facilities offered by the state department are many. Literature, lectures, lantern slides, and motion

⁴⁰³ Acts 1919; Burns 36-706; Baldwin 8899.

⁴⁰⁴ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

⁴⁰⁵ Const., art. 8, sec. 1.

⁴⁰⁶ Acts 1913, 1923, 1927; Burns 28-4911; Baldwin 6457.

⁴⁰⁷ Acts 1877; Burns 15-314; Baldwin 5333.

⁴⁰⁸ Acts 1891, 1909; Burns 35-105, 35-106; Baldwin 8390, 8391.

⁴⁰⁹ Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1937 suppl., 8404-1.

⁴¹⁰ Acts 1905; Burns 35-302; Baldwin 8394.

picture films are available for use in schools and clubs or organizations desiring information on public health. These facilities may be obtained from the bureaus of health and physical education, communicable diseases, and for control of venereal diseases.⁴¹¹

The state board of health distributes scarlet fever and tetanus antitoxin, antirabic virus,⁴¹² insulin,⁴¹³ pneumonia serum, diphtheria toxoid, smallpox virus, and typhoid vaccine⁴¹⁴ to physicians, at the expense of the county, for indigent patients.⁴¹⁵

Health laws require that public water supplies must be inspected by the state board of health laboratories;⁴¹⁶ manufacturing, storage, and retail establishments dealing in food-stuffs must maintain certain standards of sanitation and cleanliness;⁴¹⁷ dwellings that are unsanitary, unsafe, and unhealthful, or that are rendered uninhabitable by a nearby nuisance must be properly inspected and ordered vacated;⁴¹⁸ and health officers must ascertain where there are rat infestations, order their extermination, and recommend methods of extermination.⁴¹⁹

Food and drug products are inspected in the state laboratory for adulteration or misbranding;⁴²⁰ dairy products are tested for butter fat content and weight.⁴²¹

Contagious diseases must be reported to the state board and properly quarantined by the health officer.⁴²² All cases of tuberculosis must be reported to the state board of health as soon as they are diagnosed;⁴²³ also, any illness diagnosed as leprosy must be immediately reported to the state board

⁴¹¹ Acts 1891, 1909; Burns 35-106; Baldwin 8391.

⁴¹² Acts 1907, 1919, 1929, 1935; Burns, 1938 suppl., 35-701; Baldwin, 1935 suppl., 13392.

⁴¹³ Acts 1935; Burns, 1938 suppl., 35-710; Baldwin, 1937 suppl., 13395-1.

⁴¹⁴ Acts 1939, ch. 5.

⁴¹⁵ Acts 1907, 1919, 1929, 1935; Burns, 1938 suppl., 35-702, 35-703; Baldwin, 1935 suppl., 13393, 13394.

⁴¹⁶ Acts 1909; Burns 35-202, 35-203; Baldwin 8411, 8412.

⁴¹⁷ Acts 1909; Burns 35-1001; Baldwin 8504.

⁴¹⁸ Acts 1917; Burns 35-1801; Baldwin 8563.

⁴¹⁹ Acts 1913; Burns 35-1601, 35-1602; Baldwin 8570, 8571.

⁴²⁰ Acts 1905; Burns 35-302; Baldwin 8394. Acts 1907; Burns 35-1201; Baldwin 8432. Acts 1939, ch. 38.

⁴²¹ Acts 1913; Burns 35-1301; Baldwin 8455.

⁴²² Acts 1903; Burns 35-401, 35-403; Baldwin 8531, 8533.

⁴²³ Acts 1917; Burns 35-601, 35-602; Baldwin 8551, 8552.

which has all jurisdiction, care, and disposition of the case.⁴²⁴

All birth certificates must show that the attendant at such birth took the proper precautions to prevent ophthalmia neonatorum, the disease causing infant blindness.⁴²⁵

A recent statute provides that all persons applying to the clerk of the circuit court for a marriage license must present a certificate from a licensed physician stating that the applicant is free from syphilis in an infectious state. Before giving such certificate, the physician must have a blood specimen of the applicant examined by the laboratory of the state board of health or a laboratory approved by the board. The test must be made not more than 30 days before the application for a license. This law does not go into effect until March 1, 1940.⁴²⁶

The local (county or city) part-time health officers are physicians legally qualified to practice medicine and suitably trained in sanitary science.⁴²⁷ It is possible, under the present Indiana law, to make the local officer a full-time official. This is an important step in the promotion of local public health activities—and must not be confused with so-called socialized or state medicine—for it allows a properly trained individual to devote his entire working time to protecting and supervising the general health and sanitation of his community.⁴²⁸ If a county is financially unable to maintain a full-time health officer alone, several counties may join in the support of a full-time district health officer. The expenses of such an office would be in proportion to the population of each county at the time of the last federal census.⁴²⁹ Public health nurses and sanitarians may be employed to aid either part-time or full-time officials.⁴³⁰

The local health officers enforce the state health laws and the rules and regulations of the state board of health. They promote health education, collect vital statistics, make periodic reports to the state board of health, and keep records of these reports in their record books.⁴³¹

⁴²⁴ Acts 1917; Burns 35-501 to 35-503; Baldwin 8543 to 8545.

⁴²⁵ Acts 1911; Burns 35-901; Baldwin 8558.

⁴²⁶ Acts 1939, ch. 100.

⁴²⁷ Acts 1935; Burns, 1938 suppl., 35-118; Baldwin, 1937 suppl., 8404-1.

⁴²⁸ Acts 1935; Burns, 1938 suppl., 35-122, 35-124; Baldwin, 1937 suppl., 8404-5, 8404-7.

⁴²⁹ Acts 1935; Burns, 1938 suppl., 35-125; Baldwin, 1937 suppl., 8404-8.

⁴³⁰ Acts 1935; Burns, 1938 suppl., 35-123, 35-125; Baldwin, 1937 suppl., 8404-6, 8404-8.

⁴³¹ Acts 1935; Burns, 1938 suppl., 35-118, 35-122, 35-123; Baldwin, 1937 suppl., 8404-1,

With the aid of federal funds derived from the states' acceptance of the "Social Security Act" enacted by the Congress of the United States and approved on August 14, 1935, the state board of health has been able to establish several district health departments.⁴³² These district departments are under the supervision of the bureau of local health administration of the state board of health and they in turn give aid to the local part-time health officials.⁴³³

HOSPITALS

Before the turn of the century, the maintenance of hospitals had been left largely to cities and private associations; but laws now provide for the establishment and maintenance of hospitals by the board of commissioners whenever they find need for them,⁴³⁴ on the petition of resident freeholders,⁴³⁵ or in co-operation with private associations.⁴³⁶ Training schools for nurses,⁴³⁷ detention departments for insane patients,⁴³⁸ tuberculosis departments,⁴³⁹ and veterinary laboratories⁴⁴⁰ are maintainable in connection with these hospitals. The board of commissioners has established and now maintains the Clay County Hospital in Brazil. The county hospital is for the benefit of all inhabitants of the county; of any person falling sick or being injured within its limits; and of any nonresidents to whom the hospital board may extend its benefits. All persons who are financially able must pay for medical attention furnished them.⁴⁴¹ Township trustees pay for care given indigent patients from their respective townships.⁴⁴²

VITAL STATISTICS

In Indiana the collection of vital statistics is super-

⁴³² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1601, 52-1602, 52-1604; Baldwin, 1937 suppl., 8409-1, 8409-2, 8409-4.

⁴³³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1611; Baldwin, 1937 suppl., 8409-11.

⁴³⁴ Acts 1903, 1939; Burns, 1938 suppl., 22-3201; Baldwin, 1939 suppl., 4507.

⁴³⁵ Acts 1917, 1919, 1921, 1925, 1927, 1929; Burns 22-3215, 22-3216; Baldwin 4517, 4537.

⁴³⁶ Acts 1903, 1905; Burns 22-3202; Baldwin, 4508.

⁴³⁷ Acts 1917, 1923; Burns 22-3233; Baldwin 4531.

⁴³⁸ Acts 1917; Burns 22-3234; Baldwin 4532.

⁴³⁹ Acts 1917; Burns 22-3235; Baldwin 4533.

⁴⁴⁰ Acts 1917; Burns 22-3236; Baldwin 4534.

⁴⁴¹ Acts 1917; Burns 22-3229; Baldwin 4527.

⁴⁴² Acts 1903, 1917; Burns 22-3206, 22-3237; Baldwin 4512, 4535.

vised by the bureau of vital statistics of the state board of health.⁴⁴³ The county health officer makes the collection of local data on forms supplied by the state board of health, and periodically turns over to the board reports of all records. The health officer collects statistics of births, deaths, marriages, and communicable diseases; physicians, midwives, and all responsible householders are required to notify him of every case.⁴⁴⁴

All birth reports are to be made to the health officer within 36 hours after birth. A child that lives and breathes after birth, no matter how brief the period, and regardless of the period of gestation, is a living child; and if he thereafter dies, his birth and death must be reported and recorded.⁴⁴⁵

Deaths are reported as soon as possible because a body may not be buried until a burial permit has been made by the health officer in charge, and burial permits are not issued until the death certificate is completed. Burial may be made anywhere in the state regardless of the county in which the permit was issued. When a death occurs outside the state, and the body is brought into the state for interment, the burial permit must be based on the transportation permit, and no record of said death is required. If death has occurred by means of violence or criminal practices, the death notice is referred to the coroner.⁴⁴⁶ The burial permit is preserved with the records of the cemetery.⁴⁴⁷

The clerk of the circuit court issues all marriage licenses, and makes a monthly report of all marriages to the county health officer. The health officer records each marriage in his record book, and sends a quarterly report to the state board of health. All marriages must be reported by the person performing same, within three days on official blanks, to the clerk of the circuit court of the county where the license was issued.⁴⁴⁸

Weekly reports upon forms provided by the United States Public Health Service, summarizing all communicable diseases, are made by the local health officers to the state board of

⁴⁴³ Acts 1907, 1913; Burns 35-116; Baldwin 8399.

⁴⁴⁴ Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁴⁴⁵ Acts 1907, 1911, 1913; Burns 35-115, 35-901; Baldwin 8398, 8558. Rule 4 of the state board of health.

⁴⁴⁶ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 3 of the state board of health.

⁴⁴⁷ Acts 1939, ch. 142, sec. 21.

⁴⁴⁸ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 5 of the state board of health.

health. The report is made even if there are no diseases to report.⁴⁴⁹

The heads of all institutions, such as hospitals, poor asylums, and places of confinement are required to keep all statistics concerning the inmates and make reports directly to the state board of health as required by the board.⁴⁵⁰

WELFARE ASSISTANCE

An important service is the administration of the Public Welfare Act. Welfare assistance is supervised by the county welfare board.

An applicant for old-age assistance must be 65 years old; must be a citizen of the United States; must have lived in the state for five years out of the last nine, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; and must not have assigned his property within the five years immediately prior to his application.⁴⁵¹ He must name all property in which he has an interest and any other income he has,⁴⁵² agree to reimburse the county for assistance given him, and assign as collateral security such part of his personal property as the county department of public welfare may require.⁴⁵³ After an investigation of his needs, the county department grants him assistance, never exceeding \$30 a month.⁴⁵⁴ A copy of the certificate is filed in the office of the recorder, and constitutes a lien on any real property he owns.⁴⁵⁵ With the consent of the state department of welfare, the county department may demand a transfer of all property he owns, on the sole condition that if assistance is suspended or if he dies the property will revert to him or his estate, subject to a lien for sums the state has paid him.⁴⁵⁶

A blind applicant must be 21 years old if a male and 18 years old if a female; must be a citizen of the United States; must have lost his eyesight while a resident of the state or

⁴⁴⁹ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Rule 6 of the state board of health.

⁴⁵⁰ Acts 1907, 1913; Burns 35-117; Baldwin 8400.

⁴⁵¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1201; Baldwin, 1937 suppl.,

14078-32.

⁴⁵² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1204; Baldwin, 1937 suppl., 14078-35.

⁴⁵³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1213; Baldwin, 1937 suppl., 14078-44.

⁴⁵⁴ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1203; Baldwin, 1937 suppl., 14078-34.

⁴⁵⁵ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

⁴⁵⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1214; Baldwin, 1937 suppl., 14078-45.

have lived in the state five of the last nine years, the last year continuously; must be in need; must not be an inmate of a municipal, state, or national institution; must not have transferred his property within the five years immediately prior to his application; and must not solicit alms while receiving assistance.⁴⁵⁷ The amount he receives is determined by the county after an investigation of his needs⁴⁵⁸ and never exceeds \$30 a month⁴⁵⁹ except as temporary assistance is given for treatment of his eyes.⁴⁶⁰ Blind children may be sent to the school for the blind at Indianapolis.⁴⁶¹

A dependent or destitute child must have lived in the state one year preceding his application for assistance or be born within the state during the year, his mother having resided in the state one year before his birth.⁴⁶² A destitute child⁴⁶³ may receive as much as \$23 a month,⁴⁶⁴ and is eligible for any other relief he may require.⁴⁶⁵ The first dependent child may receive \$20, the second child \$18, and each additional child \$12 a month.⁴⁶⁶ Crippled children may be placed in any public or private hospital or be sent to the Riley Hospital at Indianapolis.⁴⁶⁷ Diseased and defective children are placed in any public hospital in the county, or adjacent to the county, by the judge of the circuit court.⁴⁶⁸ Orphan, dependent, and neglected children under 16 years of age are placed in the orphans' home or in private homes under supervision of the board of commissioners.⁴⁶⁹

No official, in carrying out the provisions of the Welfare Act, may take charge of a child over the objection of a parent

⁴⁵⁷ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1221; Baldwin, 1937 suppl., 14078-52.

⁴⁵⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1225; Baldwin, 1937 suppl., 14078-56.

⁴⁵⁹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1223; Baldwin, 1937 suppl., 14078-54.

⁴⁶⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1236; Baldwin, 1937 suppl., 14078-67.

⁴⁶¹ Acts 1855; Burns 22-601 *et seq.*; Baldwin 4560 *et seq.*

⁴⁶² Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1240, 52-1268; Baldwin, 1937 suppl., 14078-71, 14078-97b.

⁴⁶³ Acts 1937; Burns, 1938 suppl., 52-1267; Baldwin, 1937 suppl., 14078-97a.

⁴⁶⁴ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1269; Baldwin, 1937 suppl., 14078-97c.

⁴⁶⁵ Acts 1936 (Spec. Sess.), 1937; Burns, 1938 suppl., 52-1278; Baldwin, 1937 suppl., 14078-97 i.

⁴⁶⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1241; Baldwin, 1937 suppl., 14078-72.

⁴⁶⁷ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1256; Baldwin, 1937 suppl., 14078-87.

⁴⁶⁸ Acts 1933; Burns 52-501; Baldwin 5700.

⁴⁶⁹ Acts 1897; Burns 22-2601, 22-2605; Baldwin 4382, 4385.

or a person standing in loco parentis to such child, except pursuant to a court order.⁴⁷⁰ Persons receiving aid under the Welfare Act are ineligible for other public relief.⁴⁷¹ Assistance is not assignable, is not subject to legal process, and is not an asset in bankruptcy proceedings.⁴⁷² When a blind person moves to another county in the state, the assistance he is receiving is not suspended;⁴⁷³ and children and the aged may receive aid for another year from the county from which they moved.⁴⁷⁴

If a person is unable to care for himself, the county department pays his relief money to some responsible person for his benefit.⁴⁷⁵ If a recipient of relief dies leaving an estate insufficient to bury him, and the persons legally responsible for his burial are unable to pay the expenses, the county department pays \$75 for his funeral and an additional \$25 for a burial lot.⁴⁷⁶

An appeal may be taken from the county department to the state department.⁴⁷⁷ Nothing in the Welfare Act relieves any person from liability for the support of parent, child, or spouse.⁴⁷⁸

Poor relief is administered by the township trustees. The county maintains an asylum for the poor.⁴⁷⁹ Residents of the county,⁴⁸⁰ paupers,⁴⁸¹ and nonresidents requiring tem-

⁴⁷⁰ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1417; Baldwin, 1937 suppl., 14078-130.

⁴⁷¹ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1202, 52-1222; Baldwin, 1937 suppl., 14078-33, 14078-53.

⁴⁷² Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1210, 52-1231; Baldwin, 1937 suppl., 14078-41, 14078-62.

⁴⁷³ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1239; Baldwin, 1937 suppl., 14078-70.

⁴⁷⁴ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1218, 52-1248; Baldwin, 1937 suppl., 14078-49, 14078-79.

⁴⁷⁵ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1208, 52-1229; Baldwin, 1937 suppl., 14078-39, 14078-60.

⁴⁷⁶ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1209, 52-1230; Baldwin, 1937 suppl., 14078-40, 14078-61.

⁴⁷⁷ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1211, 52-1232, 52-1246; Baldwin, 1937 suppl., 14078-42, 14078-63, 14078-77.

⁴⁷⁸ Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

⁴⁷⁹ Acts 1935; Burns, 1938 suppl., 52-146; Baldwin, 1935 suppl., 13320-3. Const., art. 9, sec. 3. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360.

⁴⁸⁰ 1 Rev. Stat. 1852, Acts 1935; Burns, 1938 suppl., 52-146, 52-147; Baldwin, 1935 suppl., 13320-3, 13320-4.

⁴⁸¹ Acts 1935; Burns, 1938 suppl. 52-151; Baldwin, 1935 suppl., 13320-8.

porary relief⁴⁸² may be placed therein. The law prohibits the keeping of children in the asylum.⁴⁸³ They must be placed in the orphans' home.⁴⁸⁴ Anyone refused relief by a township trustee has a right to a hearing before the board of commissioners⁴⁸⁵ and to an appeal from the board to the circuit court.⁴⁸⁶ The board of commissioners may borrow for poor relief, if the funds available are not sufficient.⁴⁸⁷

ELECTIONS

The constitution provides that all elections shall be free and equal, prescribes the length of residence required of an elector, designates the time of holding elections, and gives the general assembly power to provide for the registration of voters.⁴⁸⁸

All citizens of the United States, of the age of 21 years and upwards, resident in the state six months, in the township 60 days, and in the precinct 30 days, immediately preceding an election, are entitled to vote. All citizens of foreign birth who have resided in the United States one year and have the age and residence qualifications prescribed above, also may vote, if they have declared their intention to become naturalized.⁴⁸⁹ Registration is required of all voters.⁴⁹⁰ There were 19,064 registered voters in Clay County for the general election in November 1938.⁴⁹¹

The board of commissioners participates in various ways in the conduct of elections. The more important functions of the board in that connection are those of establishing election precincts and changing their boundaries;⁴⁹² providing rooms for polling places and equipping them with voting booths;⁴⁹³

⁴⁸² Acts 1935; Burns, 1938 suppl., 52-163; Baldwin, 1935 suppl., 13320-20.

⁴⁸³ Acts 1897, 1901; Burns, 22-2608; Baldwin 4388.

⁴⁸⁴ Acts 1897; Burns 22-2605; Baldwin 4385.

⁴⁸⁵ Acts 1935; Burns, 1938 suppl., 52-160; Baldwin, 1935 suppl., 13320-17.

⁴⁸⁶ 1 Rev. Stat. 1852; Burns 26-901.

⁴⁸⁷ Acts 1935; Burns, 1938 suppl., 52-604; Baldwin, 1935 suppl., 13359-1.

⁴⁸⁸ Const., art. 2, secs. 1, 2, 14.

⁴⁸⁹ Const., art. 2, sec. 1 Acts 1881; Burns 29-703; Baldwin 7083.

⁴⁹⁰ Acts 1933; Burns 29-301; Baldwin 7299.

⁴⁹¹ *Year Book of the State of Indiana for the Year 1938* (1939), 1106.

⁴⁹² Acts 1889, 1907; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901;

Baldwin 7091.

⁴⁹³ Acts 1897; Burns 28-1121; Baldwin 7135. Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154.

and providing ballot boxes or voting machines or both for the several precincts.⁴⁹⁴

The registration officer (the clerk of the circuit court ex officio) conducts the registration of voters.⁴⁹⁵

Primary elections are held on the first Tuesday after the first Monday in May preceding the general elections.⁴⁹⁶ They are held under the supervision of the board of primary election commissioners, consisting of the clerk of the circuit court and two persons, of opposite political parties, appointed by him. This board prepares and distributes ballots for the primary elections,⁴⁹⁷ and serves as the board of election commissioners at the general election for which nominations are made at the primary election.⁴⁹⁸

General elections are held biennially on the first Tuesday after the first Monday in November.⁴⁹⁹ County officers elected by the people are: County commissioners, county councilmen, judge of the circuit court, prosecuting attorney, clerk of the circuit court, auditor, treasurer, sheriff, coroner, recorder, surveyor, and assessor. These elections are held under the supervision of the board of election commissioners, which prepares and distributes the ballots.⁵⁰⁰

The board of canvassers consisting of the election commissioners,⁵⁰¹ with the clerk of the circuit court acting as clerk,⁵⁰² tabulates and compiles the election returns of the county, and files all data, canvass sheets, certificates, poll books, and tally papers in the office of the clerk, and certifies the candidates elected.⁵⁰³

RECORDATION

The recordation of deeds, mortgages, plats, and other private documents for purposes of preservation and public no-

⁴⁹⁴ Acts 1901, 1903; Burns 29-2404; Baldwin 7352. Acts 1920 (Spec. Sess.); Burns 29-903 Baldwin 7148. See Acts 1939, ch. 113 (not effective at time of writing).

⁴⁹⁵ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304.

⁴⁹⁶ Acts 1915, 1917; Burns 29-508; Baldwin 7194.

⁴⁹⁷ Acts 1907, ch. 282, secs. 1, 13. Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁴⁹⁸ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

⁴⁹⁹ Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

⁵⁰⁰ Acts 1889; Burns 29-1002; Baldwin 7109.

⁵⁰¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

⁵⁰² Acts 1905, 1927; Burns 29-1402; Baldwin 7378.

⁵⁰³ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

tice is a most important function of the county, since commerce and titles to property are directly affected thereby.⁵⁰⁴ To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law and the acknowledgment or proof must be recorded with the instrument;⁵⁰⁵ the intangible tax thereon (if any) must be paid.⁵⁰⁶ For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered. No such deed or partition can be recorded by the recorder until after the instrument has been presented to the auditor and the auditor has made an endorsement thereon⁵⁰⁷ that the land has been duly entered for taxation or is not taxable. The recorder and the clerk of the circuit court are the recording officers. Lists of documents which may be recorded by them are set out in the essays on their offices in part B of this book.

RECORDS SYSTEM

The records of Clay County began with its creation in 1825. The establishment of each of the county offices and bureaus inaugurated their records which were kept in such fashion as the incumbents saw fit, following in the main the directions of the general assembly under the provisions for each respective office. In 1909 the general assembly established the state board of accounts, which formulates, prescribes, and installs systems of accounting and reporting which are uniform for every public office of the same class.⁵⁰⁸ Under this law some of the records were combined to eliminate separation, duplication, and overlapping. The board also permits the use of bound loose-leaf records in almost all cases where the records are typed. The quality of the paper

⁵⁰⁴ Acts 1935; Burns, 1938 suppl., 51-504; Baldwin, 1935 suppl., 13227-4. 1 Rev. Stat. 1852 Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. Acts 1897; Burns 56-120. Acts 1877; Burns 56-716; Baldwin 998.

⁵⁰⁵ Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1938 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14683, 14666 to 14731.

⁵⁰⁶ Acts 1933; Burns 64-929; Baldwin 15927.

⁵⁰⁷ 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

⁵⁰⁸ Acts 1909; Burns 60-202, 60-224; Baldwin 13855, 13875.

and ink and the binding and rebinding practices are left to the judgment of the board of commissioners, except that a good quality is required.

A recent statute provides that the board of commissioners may provide for the installation of a modern tax accounting system in the offices of the treasurer and auditor, after a description thereof has been approved by the board of commissioners and certified to, and approved by, the state board of accounts.⁵⁰⁹

Whenever it may be necessary for the preservation of the records of any office, it is the duty of the board of commissioners to issue an order directing the officer in charge to copy and transcribe the records.⁵¹⁰

In event of the loss or destruction, in whole or in part, of any of the county records, they shall be replaced, as follows: (1) The board of commissioners shall send to the governor a certified list of such records furnished by the state, and he shall order the proper state officer to replace them. (2) Records compiled in the county shall be restored, if possible, from original documents by the proper officers, that is, the county officer who had custody of the original records. (3) If impossible to duplicate the old records, new records shall be made on evidence taken from parties having knowledge of the facts concerned, by either the proper officer or commissioners appointed by the board of commissioners for that purpose.⁵¹¹

In 1925 a law was passed permitting county officials, at their discretion, to turn over to the archives division of the Indiana State Library for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books and material not in current use in their office.⁵¹² County officials have only occasionally availed themselves of this provision for permanent preservation of their old records.

An act of 1927 provided that deeds, mortgages, and other instruments may be recorded by photographic process adopted by the board of commissioners.⁵¹³

⁵⁰⁹ Acts 1937; Burns, 1938 suppl., 60-238 to 60-240; Baldwin, 1937 suppl., 15868-1 to 15868-3.

⁵¹⁰ Acts 1877; Burns 26-634; Baldwin 5339.

⁵¹¹ 2 Rev. Stat. 1852, Acts 1865; Burns 57-101 to 57-124; Baldwin 1168 to 1191. Acts 1881; Burns 57-208 to 57-210; Baldwin 1165 to 1167. Acts 1893; Burns 57-125, 57-211 to 57-214; Baldwin 1197, 1192 to 1195.

⁵¹² Acts 1925, 1937; Burns, 1938 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁵¹³ Acts 1927; Burns 49-3207; Baldwin 14667.

In 1937 the general assembly authorized the director of the Indiana State Library, at his discretion, to make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office, for preservation in the state archives. All public officials must permit such copies to be made.⁵¹⁴

In 1939 the general assembly created in each county a commission of public records. The commission must determine what public records (1) are no longer of official or historical value, or (2) have current official value and should be retained in the office where they are required to be filed, or (3) have official value but are consulted and used so infrequently that they are no longer of appreciable value to the officer with whom they are required to be filed, or (4) have no apparent official value but do have a historical value. Records of class 1 are destroyed three years after filing, unless the law requires that they be kept for a longer time or prohibits their destruction. Records of classes 3 and 4 are removed to the state library three years after filing, unless the officer in charge is using them frequently at that time.⁵¹⁵

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The historical value of county records is proved, though in a negative manner, by Clay County; for in this county the early records were destroyed, and because of this the history of the early public buildings is obscure, depending largely on the memory of early settlers.

Philip Hedges was employed to clear the public square, and it is believed that he was likewise awarded the contract for the first courthouse and jail, probably erected in 1827.¹ This was a hewn timber structure two stories in height, variously described as being 30' x 20' and 30' x 24' in ground dimensions. The first floor was occupied by the courtroom, and the upper floor by the jury and county offices; the latter, however, was not partitioned, and "no special accommodations" were provided for its occupants.²

⁵¹⁴ Acts 1925, 1937; Burns, 1938 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁵¹⁵ Acts 1939, ch. 91.

¹ William Travis. *A History of Clay County* (1909), 1:19, 20.

² Travis, *op. cit.*, 1:20. Charles Blanchard, ed., *Counties of Clay and Owen* (1884), 55, 56.

In the latter part of 1838, Dempsey Seybold, Sr., of Parke County, was awarded the contract for a new courthouse, 50' x 40' and two stories in height. The site was one square south of the original courthouse, on the square occupied by the jail, which was moved to make way for the courthouse. Construction was begun in 1839, and the courthouse was completed in 1840. The exterior was brick, but the interior was constructed entirely of wood; on the east side of the first floor was the courtroom, and from the west side, a stairway led to the second floor, where the county officers were housed: The recorder and auditor on the east side, and the clerk and treasurer on the west side.³

The exclusive use of wood in the interior proved to be a disastrous error. On the morning of November 30, 1851, the courthouse burned to the ground, with the total destruction of all the records, except those of the recorder, John S. Beam, who kept them in his tailor shop on the west side of the square.⁴

The board of commissioners met the next day, began an investigation of the fire, and appointed a committee to recreate the destroyed records. The latter functioned for several years, taking evidence from parties involved and re-recording such facts as were satisfactorily established.⁵ The investigation of the fire bore little fruit; the board announced, on December 4: ". . . The Evidence of many respectable Citizens being fully heard, and all the Circumstances being Considered the Board is Convinced beyond a doubt that said fire Originated in the Hall on the second Story of the Building, that it is not in the least attributable to the Officers or those having Charge of said House, but was the Work of an incendiary."⁶

The following day, the board authorized a committee to advertise for bids for a new courthouse, specifying fireproof construction.⁷ This brought forth protests from the citizenry in the form of five separate petitions praying the board not to build a courthouse until a bill providing for the relocation of the county seat, at that time pending in the legislature, should be decided upon. Other reasons stated in the petitions included the allegation that there was no money in the treas-

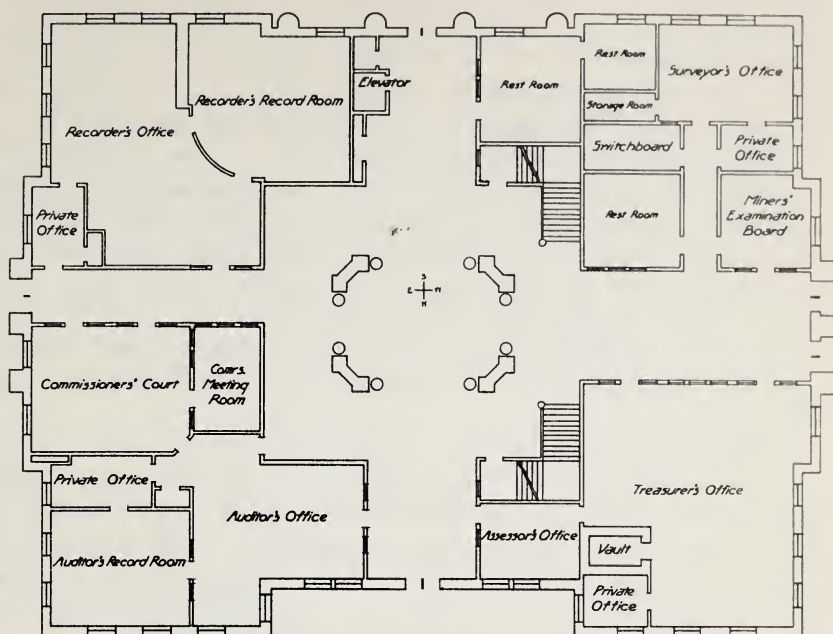
³ Travis. *op. cit.*, 1:20. Blanchard, *op. cit.*, 56.

⁴ *Ibid.*

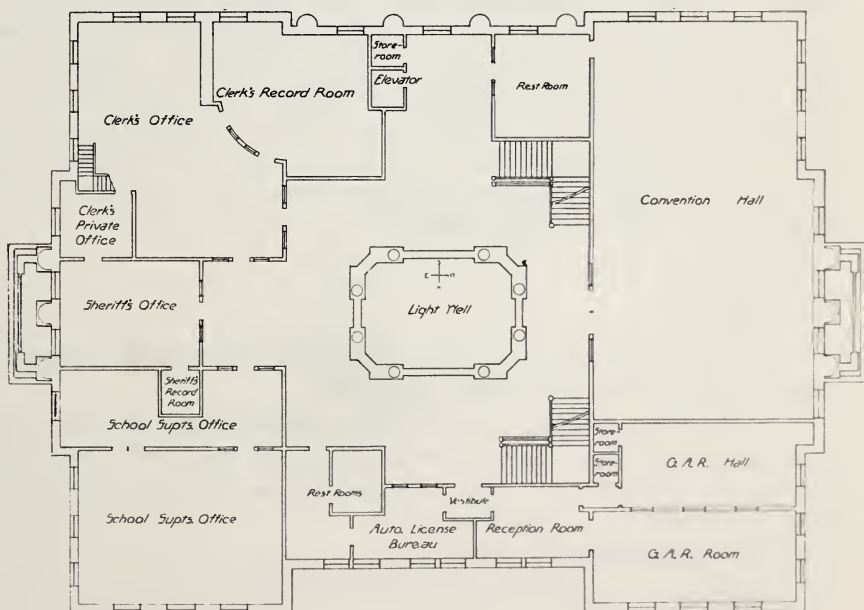
⁵ Records thus re-created by the committee will be found in Part B of this volume.

⁶ Commissioners' Record, 1:14.

⁷ *Ibid.*, 16, 17.



FIRST FLOOR, CLAY COUNTY COURTHOUSE



SECOND FLOOR, CLAY COUNTY COURTHOUSE

ury.⁸ The board disregarded the petitions; meanwhile it had rented the "middle room" of the Masonic Building for the clerk's and auditor's office, the probate court, and the commissioners, as well as the hall in the same building for the circuit court. They ordered that the sheriff "take charge of the material of the Present Court House and the Property around and about it... and that he sell little things for as good a Price as he can."⁹

After letting the contract for the courthouse to Joseph R. Kennedy and William K. Houston, for \$5,495, plus materials salvaged from the old courthouse,¹⁰ the board undertook the consideration of the petitions and decided that they were "illegal and inexpedient", because the board was legally bound to construct a courthouse as soon as possible, and because there was "not a reasonable probability" of the relocating act being passed.¹¹

The new courthouse was completed in June 1853, before the time specified in the contract.¹² A two story brick building, 56' x 40' and 27' from the ground to the eaves, it stood on the same ground as its predecessor. The first floor was divided by a central corridor, with three offices on either side, while the courtroom and jury rooms occupied the second floor. The building was covered by a fireproof roof.¹³

The county had become fire-conscious: a report on the clerk's office in September 1853 mentioned several defects, but particularly that the office was not fireproof;¹⁴ a similar report was made in 1865, stating that, though the papers were kept safe from moisture and dust, the office was not fireproof, nor was the building, which constituted a violation of the law.¹⁵ Except for this, the courthouse gave fair satisfaction as long as it was occupied, although \$515 were spent for repairs to the roof in 1860-1861.¹⁶

⁸ *Ibid.*, 25-29.

⁹ *Ibid.*, 18.

¹⁰ *Ibid.*, 33. Travis (*op. cit.*, 1:21) and Blanchard (*op. cit.*, 56) apparently have mistaken the amount of the contractors' bond for the contract price.

¹¹ Commissioners' Record, 1:77. Nevertheless, the board reserves the right to cancel the courthouse contract, in the event of the passage of the act, by paying for the work already completed, plus damages (*ibid.*, 34). For a complete discussion of the relocation controversy, see the Historical Sketch, in Part A of this volume.

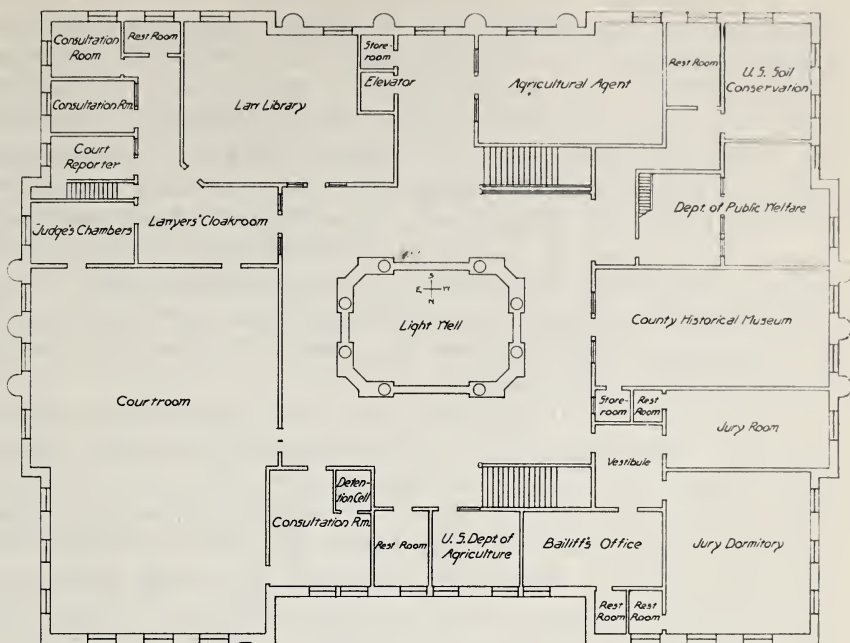
¹² Commissioners' Record, 1:199.

¹³ *Ibid.*, 31.

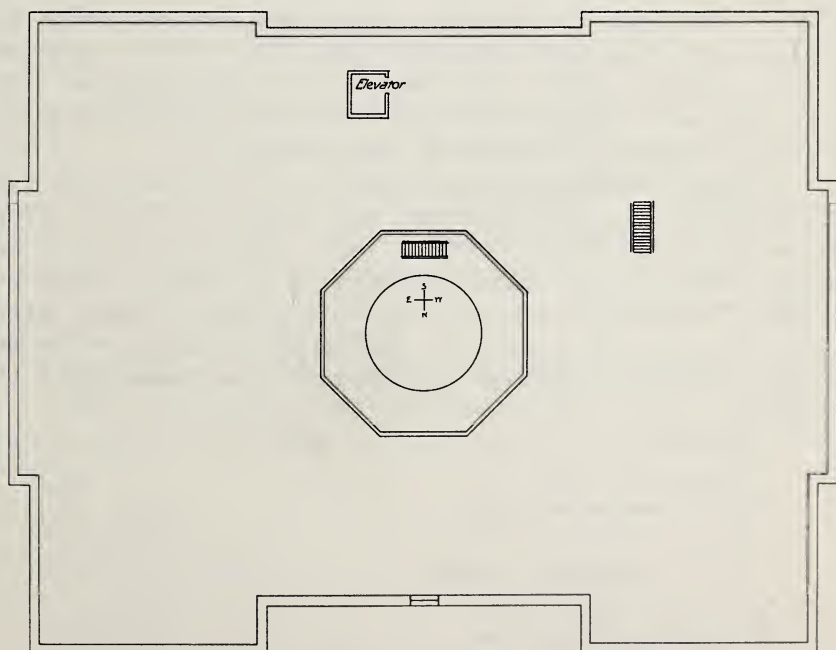
¹⁴ *Ibid.*, 227.

¹⁵ *Ibid.*, 3:494.

¹⁶ *Ibid.*, 2:108, 167.



THIRD FLOOR, CLAY COUNTY COURTHOUSE



ATTIC, CLAY COUNTY COURTHOUSE

In September 1871 the board granted a petition for the relocation of the county seat at Brazil and appointed John Goodwin architect to prepare plans for new county buildings in that city.¹⁷ A month later C. A. Allen, Marshall M. Moore, and James M. Ray, appointed by the governor to appraise the county buildings, set their value at \$5,300.¹⁸ After considerable litigation, the county seat was relocated. Contract for a courthouse at Brazil was let to Noah T. Keasy and later transferred to John G. Ackelmire and John Andrew. The building was completed in 1877 at a cost of \$13,300; the records were hauled by wagon from Bowling Green and installed in the courthouse, which served thereafter till the construction of the present courthouse.¹⁹

The building of the first jail is as obscure as that of the first courthouse, but it is thought that both were built at the same time and by the same person.²⁰ The jail was a one-story log structure, about 20' square, situated at the northeast corner of what was later the public square. Its floor was made of large hewn logs, and its walls were of the triple variety popular with builders of jails of that era: logs inside and out, with upright logs or poles between them.²¹ When the second courthouse was planned in 1838, the jail was moved to the opposite side of the street bordering the east side of the square, since the courthouse was to occupy the square where the jail formerly stood. In its new location, it was given a second story and a stone foundation; in addition, scores of spikes were driven into the inside timbers to dissuade prisoners from prying them loose.²²

Though the commissioners reported in 1852 that they "find the same [jail] in good order and repair and also they find the Prisoner therein Well Provided for", the grand jury, a few months later stated "that the same is in their opinion unhealthy for want of a free circulation of air",²³ and thereafter the jail was frequently the target of their criticism; making the same complaint in 1855, they also recommended the

¹⁷ *Ibid.*, 5:47.

¹⁸ Travis, *op. cit.*, 1:23.

¹⁹ *Ibid.* Blanchard, *op. cit.*, 61.

²⁰ Travis, *op. cit.*, 1:19.

²¹ *Ibid.*, 20. Blanchard, *op. cit.*, 56.

²² Travis, *op. cit.*, 1:20.

²³ Commissioners' Record, 1:109.

construction of a new jail.²⁴ The next year the jury was more severe and decisive, reporting: "... said prison has been kept since the last Term of this Court in a very filthy, dirty, and foul manner and . . . the said prison is not fit to confine prisoners in in its present condition It is so filthy that it is a nuisance and should be abated and a new one built for the keeping of Prisoners."²⁵ A new one was built, but not until five years had passed.

On March 15, 1861 the auditor was authorized to advertise for bids for the construction of a jail, to be constructed in accordance with plans and specifications on file in the auditor's office, and on April 22 the board accepted the bid of Wingate and Black for \$3,750.²⁶ The jail was completed and accepted on October 15,²⁷ and served until the completion of the jail at Brazil in 1878. The grand jury reported in 1863 that the jail was "unsafe with regard to fire from the stove",²⁸ and thereafter remained silent.

When the county seat was removed to Brazil, a new jail was built.²⁹ Completed in 1878 at a cost of \$7,900,³⁰ it was used until 1895. The present jail, a concrete and brick structure 138' x 45', and three stories in height, was built at that time, costing \$24,545.

The present courthouse, situated on the square bounded by Main, Alabama, and Harrison Streets, in Brazil, was built in 1912-1914, at a cost of \$176,660. Built of steel and Indiana limestone, it measures 140' by 109' in length and width, 67' from the ground to the attic floor, and 102' to the top of the dome. The first and second floors are devoted to county offices, and the third floor, mainly, to the court and related offices. The attic, described below, houses older records. Flooring is of tile or hardwood. Lighting and ventilation are adequately provided in all rooms, except as otherwise specified hereafter.

Description of the present housing of records follows:

Board of Commissioners. Forty-nine percent of the records are in the auditor's record room, and 50 percent in the attic;

²⁴ *Ibid.*, 321.

²⁵ *Ibid.*, 399.

²⁶ *Ibid.*, 2:179,183,184.

²⁷ *Ibid.*, 225.

²⁸ *Ibid.*, 410.

²⁹ The old jail at Bowling Green is still standing.

³⁰ Travis, *op. cit.*, 1:23.

the remaining 1 percent is divided between the clerk's record room, the auditor's office, the auditor's private office, and the surveyor's office.

County Council. Seventy-eight percent of the records are in the auditor's record room, and 22 percent in the attic.

Clerk of the Circuit Court. The clerk's office, at the southeast corner of the second floor, is 42' by 23', and contains 89' of shelving. Twelve feet of volumes and 89' of unbound records are kept here. As these comprise, for the most part, records currently in use, no additional equipment is needed for the housing of the records. The record room, directly west of the office, is 30' by 25'. Its 1497' of steel shelving are partially occupied by 843' of volumes and 291' of unbound records. Fifty-six percent of the clerk's records are in his office, 22 percent in his record room, and 22 percent in the attic. In addition to these, the office and record room contain records of the circuit court, the coroner, the registration office, and the three election boards.

Recorder. The recorder's office lies at the southeast corner of the first floor and is 42' by 30'. Thirty-two feet of steel shelving house 23' of volumes and 9' of unbound records—8 percent of the recorder's records. The record room lies directly west of the office and measures 30' by 26'. Here are housed 655' of volumes and 53' of unbound records; about 209' of shelving are unoccupied. Eight percent of the records are in the office, 79 percent in the record room, and 13 percent in the attic.

Circuit Court. The circuit courtroom is located on the east side of the third floor. Measuring 63' by 37', it houses 12' of unbound records in a file case located at the rear of the judge's bench. Two volumes are kept in the judge's office, adjoining the courtroom to the south. One percent of the records are in the courtroom; somewhat less than 1 percent in the judge's office, the sheriff's office, the auditor's record room, and the welfare office; 4 percent in the clerk's office; 70 percent in his record room; and 25 percent in the attic.

Sheriff. An office with a small record room adjoining, on the east side of the first floor, is occupied by the sheriff. The office, 25' by 20', is equipped with 65' of steel shelving, on which are 6' of volumes and 57' of unbound records. The record room, 8' by 7', contains 102' of steel shelving, entirely occupied by volumes. A few records—3 volumes—are also kept in the sheriff's office in the county jail. Six percent of the records are in the courthouse office, 92 percent in the

record room, 2 percent in the jail office, and less than 1 percent in the recorder's record room.

Coroner. The coroner's office is located at present in the professional office of the incumbent, in suites 9 and 10 of the Brazil Trust Building, 103½ West National Avenue, Brazil. Six percent of the records (1 volume) are kept here; the remaining 96 percent are in the clerk's record room.

Prosecuting Attorney. The one record kept by this official is located in the office of the incumbent, in room 1 of the Davis Building, 117½ West National Avenue, Brazil.

County Assessor. An office 18' by 13', on the north side of the first floor, is occupied by the assessor. Forty-nine feet of volumes and 19' of unbound records are arranged on 68' of shelving. There is ample space for the installation of additional shelving when needed.

County Board of Review. Seventy percent of the records are in the auditor's record room and 30 percent in the attic.

County Board of Tax Adjustment, Board of Finance, County School Fund Board. All the records are in the auditor's record room.

Treasurer. At the northwest corner of the first floor is the treasurer's office, a room 42' by 40'. Equipped with 56' of steel shelving, it houses 45' of volumes and 11' of unbound records. More shelving, if needed, can be installed. The vault, on the east side of the office, is 9' by 5' and contains 67' of shelving, housing 42' of volumes and 12' of unbound records. The office houses 3 percent of the records; the vault, 2 percent; and the attic, 95 percent. Less than 1 percent is in the auditor's record room.

Auditor. An office and a record room, at the northeast corner of the first floor, are occupied by the auditor. In the office, which is 30' by 29', are kept 18' of volumes and 50' of unbound records; 16' of shelving are available for expansion. In the record room, the dimensions of which are 25' by 20', are 483' of volumes and 223' of unbound records, leaving about 34' of unoccupied shelving. A small portion of the records of the board of commissioners are kept in the private office, and a cabinet in the commissioners' meeting room contains a few of the auditor's records. Two percent of the auditor's records are in his office, 9 percent in his record room, less than 1 percent in the commissioners' meeting room, 4 percent in the assessor's office, and 85 percent in the attic. In addition, the office and record room houses records of the board of commissioners, the county council, the circuit court, the board of review, the board of tax adjustment, the board

of finance, the school fund board, the treasurer, the registration officer, and the three election boards.

Registration Officer. Sixty-seven percent of the records are in the clerk's office, 1 percent in the clerk's vault, 30 percent in the sheriff's record room, 1 percent each in the auditor's office and the attic, and less than 1 percent in the auditor's record room.

Board of Primary Election Commissioners. Seventy percent of the records are in the clerk's record room, 20 percent in the auditor's office, 5 percent in the auditor's record room, and 5 percent in the attic.

County Board of Canvassers. Ten percent of the records are in the clerk's office, 60 percent in the clerk's record room, 25 percent in the auditor's office, and 5 percent in the auditor's record room.

County Board of Election Commissioners. Three percent of the records are in the clerk's office, 41 percent in the clerk's record room, 35 percent in the auditor's office, 3 percent in the auditor's record room, and 18 percent in the attic.

County Board of Education. All the records are in the office of the superintendent of schools.

County Superintendent of Schools. The office of the superintendent of schools comprises two rooms at the northeast corner of the second floor, one of which is 18' by 14', while the other is 37' by 28'. In the former are 95' of unbound records; in the latter, 5' of volumes and 13' of unbound records. In both rooms the equipment is adequate and will permit expansion of the records. Housed here are 99 percent of the superintendent's records, together with those of the board of education; 1 percent is housed in the attic.

County Health Officer. The office is located in the office of the incumbent, Dr. Palms, in the Coasdale Building, 1½ East National Avenue, Brazil. Eighty-four percent of the records—6' of volumes—are kept here. Twelve percent are in the clerk's record room, and 4 percent are in the attic.

Public Health Nurse. The office of public health nurse being at present without an incumbent, the records, which comprise 10' of unbound records, are kept in the G. A. R. meeting room, on the north side of the second floor.

County Department of Public Welfare. Two rooms on the west side of the third floor, are occupied by the department of public welfare, of which only one—the easternmost—houses records. This room is 22' by 15', and is equipped with 12' of steel shelving, carrying 11' of volumes; 1' of pigeonholes contains

unbound records. Ninety-seven percent of the records are in the office, and the remainder are in the auditor's record room.

Surveyor. The surveyor's office, 24' by 17', lies at the southwest corner of the first floor. Eighty-one feet of shelving, on a table and in a steel cabinet, house 1' of volumes and 80' of unbound records—chiefly maps. A small closet on the east side of the office is equipped with 6' of shelving housing 2' of volumes, and 9' of pigeonholes housing unbound records. All the surveyor's records, as well as a portion of those of the highway supervisor, are kept here.

County Highway Supervisor. Twenty-seven percent of the records are in the surveyor's office, 27 percent in the auditor's record room, and 46 percent in the attic.

Miners' Examination Board. The board occupies a room on the west side of the first floor. The room, which is 16' square, was formerly assigned to the juvenile court. All the records of the board are kept here. No shelving has been installed for the records; since they comprise only 3' of volumes, they are kept in a desk.

County Agricultural Agent. An office 32' by 21', at the southwest corner of the third floor, is occupied by the agricultural agent and houses all his records. These comprise 12 small volumes, kept in a drawer in a cabinet, and 5 file drawers, in the same cabinet, of unbound records. The equipment is adequate for the housing of the records and will permit expansion.

Housing of Old Records. The attic, which occupies the space between the third story and the roof, is used as a storage room for old records. It is 129' by 106'; the flooring is rough concrete, and the walls are unfinished brick. Lighting and ventilation are poor. Of the 1076' of shelving in the room, 814' are occupied by volumes, 162' by unbound records, and 40' by newspapers. In addition, 100' of unbound records and miscellaneous nonrecord material are in cardboard cartons stacked along the south wall. Records of the following offices are kept here in the indicated percentages: board of commissioners, 50 percent; county council and clerk, each 22 percent; recorder, 13 percent; circuit court, 25 percent; assessor, 14 percent; board of review, 30 percent; treasurer, 95 percent; auditor, 85 percent; registration officer, 1 percent; board of primary election commissioners, 5 percent; board of election commissioners, 13 percent; superintendent of schools, 1 percent; and highway supervisor, 46 percent.

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5. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

The Style Manual of the United States Government Printing Office is the authority followed herein.

Acts	[Session] Laws of the State of Indiana (commonly referred to by binder's title, <i>Acts</i>)
agr. agt.	agricultural agent('s)
alph.	alphabetical(ly)
App.	Appellate court reports of the State of Indiana
approx.	approximate(ly)
arr.	arranged
art.	article
assr.	assessor('s)
aud.	auditor('s)
Baldwin	Baldwin, William Edward, editor, <i>Baldwin's Indiana Statutes Annotated 1934</i>
bdl.	bundle
bk.	book
Bldg.	Building
Blockf.	Blockford Reports
bsmt.	basement
Burns	Burns, Harrison, editor, <i>Annotated Indiana Statutes</i>
c	copyright (before date)
C. C.	County Courthouse
cp.	compare
ch.	chapter
chron.	chronological(ly)
cir. ct.	circuit court
clk.	clerk('s)
comr.	commissioner(s')
Const.	Constitution of Indiana (refers to present constitution unless date follows)
cor.	coroner
ct. rept.	court reporter
diam.	diameter
et	and
et al.	et alii—and others
et seq.	et sequentia—and following
ex rel.	ex relatione —upon relation of. (Designates the person at whose instance the state or a public officer is acting)

f. b.	file box(es)
f. d.	file drawer(s)
ff.	following
hdw.	handwritten
high. sup.	highway supervisor('s)
H. J.	House Journal (Indiana House of Representatives)
hlth. offr.	health officer('s)
<i>ibid.</i>	<i>ibidem</i> (same reference as that immediately foregoing)
Ind.	Indiana: Indiana Reports (when preceded by the volume number, reference is to the official state supreme court reports)
insp.	inspector
juv.	juvenile
Laws Ind. Terr.	<i>Laws of Indiana Territory, The: 1801-1809, 1809-1816.</i> (See Bibliography, under Philbrick, Francis S. and Ewbank, Louis B.)
Laws N. W. Terr.	<i>Laws of the Northwest Territory, The: 1788-1800.</i> (See Bibliography, under Pease, Theodore C.)
lb.	pound
<i>loc. cit.</i>	<i>loco citato</i> —in the place cited. (After the name of book or article, refers to previous page(s) cited in the same work)
mi.	mile
n.	note
N. E.	North Eastern Reporter (judicial decisions). 2d—Second series.
no., nos.	number(s)
num.	numerically
off.	office
cffr.	officer
<i>op. cit.</i>	<i>opere citato</i> —in the work cited. (After author's name, refers to previous work cited under his name)
p., pp.	page(s)
<i>passim</i>	here and there (referring to references to numerous to enumerate)
<i>pro tem.</i>	<i>pro tempore</i>
prob. ccmr.	probate commissioner
pres. atty.	prosecuting attorney('s)
pt.	part
ptd.	printed
pub. welf.	public welfare

pvt.	private
rec.	record
recr.	recorder('s)
reg.	register
Rev. Laws	Revised Laws of Indiana
Rev. Stat.	Revised Statutes of Indiana
rm.	room
sec., secs.	section(s)
sher.	sheriff('s)
<i>sic</i>	thus (indicating expression, misspelling, etc., is the same as in the original)
S. J.	Senate Journal (Indiana Senate)
Spec. Sess.	Special Session
sta.	station
stat.	statutes
stor.	storage
sub-bsmt.	sub-basement
suppl.	supplement
supr. ct.	superior court
supt.	superintendent('s)
surv.	surveyor('s)
treas.	treasurer('s)
twp., twps.	township(s)
U. S.	United States
U. S. C.	United States Code
v.	versus
vol., vols.	volume(s)
vt.	vault
'	foot, feet
"	inch(es) (omitted after dimensions in entries)
x	by, in dimensions

EXPLANATORY NOTES

The inventory of the records of each branch of the county government is preceded by an essay explaining its legal status and functions.

Entries are grouped under a functional classification, with headings and subheadings according to relative functions and with cross-references to allied subjects. Every entry has two parts or paragraphs: Title and description. Occasionally an entry has a third (cross-reference) paragraph.

I. The title paragraph consists of:

Entry number. The entries are numbered consecutively.

Exact title (in capitals and small capitals) as it appears

on the record. Titles enclosed in brackets are supplied by The Historical Records Survey, if the volume or file bears no title. Supplementary titles (in capitals and lower-case letters), enclosed in brackets, are also supplied where it is necessary to explain the types of records more fully, or where the exact title borne by the record is incorrect, misleading, or nondescriptive.

Dates of the period covered by the record, showing inclusive beginning and ending dates by years only. Missing records are indicated by a break in the dates. A dash in place of an ending date denotes an open record. In entries, where one or more records are replaced by another record, the month and day are given for the discontinued record. In entries of open records, when the last entry is not current, a note follows: "Last entry"--with day, month, and year. Where no statement is made that the record was discontinued at the last date shown in the entry, it could not be definitely established that such was the case. Where no comment is made on the absence of prior or subsequent records, no definite information could be obtained.

Quantity, given in chronological order wherever possible.

Labelling, if a series or a part of a series. Where the entry consists of one unit, labelled 1, the labelling is omitted; if otherwise labelled, the labelling is given. If the labelling is inconsistent or confusing, the notation "numbering varies" follows the quantity.

Variations in title. Current or most recent title used as entry title; if former titles vary, they are shown.

Changes in keeping records. Occasionally the county record is discontinued or is kept by some other authority--state or other county office.

II. The description consists of:

A statement of the nature, contents, and purpose of the record, with a summary of the column headings or subjects treated. The current record, except as otherwise noted, is described. The contents over a long period of years may themselves vary; therefore, over the entire period the description may vary to some degree. In the description of map and plat records, the scale and the names of author and publisher are given whenever available. No mention thereof denotes that these data are not known.

Method of arrangement: Chronological, topical, or other system. No mention of arrangement denotes that there is no systematic arrangement.

Method of *indexing*, pertaining to self-contained indexes. Separate indexes are noted also, with a cross-reference thereto.

Nature of *recording*: Handwritten, typewritten, or printed. Modern records are almost exclusively in printed form, filled in by hand or typewritten as stated in entry. Maps and plats are drawn, blueprinted, or printed.

Condition. Omitted if good or excellent.

Number of pages averaged for a series.

Size of volumes in the order of height, width, and thickness, averaged for a series; of file boxes and file drawers, in the order of height, width, and depth. It is given in inches in all instances; hence the inch sign is omitted.

Location. The place of custody (the room in which the records are located) is in the courthouse unless another building is specified either in the entry or in the essay on the legal status of the office.

III. Cross-referencing occurs in three places:

In the title paragraph it is used to show a complete series where another method of keeping the record was used in the past or is used at present; also, to show other records with which the record is combined.

In the description paragraph, to and from the master entry, to show the contents of volumes or files containing unrelated records. Whenever an entry contains more than one type of record, all the data are given in a master entry under the actual title or under a complete title, if supplied, with reference to subordinate entries for each part. The subordinate entry consists of supplied title, dates, and description only.

In the third paragraph, to prior and subsequent records or allied subjects; to subjects on which supplementary information may be found in other entries; and to records which have related functions.

PART B. COUNTY OFFICES AND THEIR RECORDS

I. BOARD OF COMMISSIONERS

The board of commissioners of Clay County is a statutory body composed of three members,¹ each elected for a term of three years, each term commencing in a different year.² Each commissioner holds office until his successor has been elected and qualified.³ Each commissioner receives a certificate of election from the clerk of the circuit court, and is not commissioned by the governor.⁴ The county is divided into three districts; and one commissioner is elected from the residents of each district by the voters of the whole county.⁵ Each commissioner must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁶ and, while holding the office of county commissioner, he must reside within the county, and must not hold any other lucrative office.⁷ Each commissioner must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸ Each commissioner receives a regular salary of \$380 per year.⁹

For sufficient legal grounds, any county commissioner may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹⁰ If any commissioner is convicted of a

¹ Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

² 1 Rev. Stat. 1852; Burns 26-603; Baldwin 5217. Acts 1885; Burns 26-604; Baldwin 5218.

³ Const., art. 15, sec. 3. Acts 1885; Burns 26-604; Baldwin 5218.

⁴ Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

⁵ 1 Rev. Stat. 1852; Burns 26-602; Baldwin 5216.

⁶ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

⁷ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6.

⁸ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 26-605; Baldwin 5219.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹⁰ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

felony, the judgment of conviction must declare his office vacant.¹¹

Any vacancy in the office of county commissioner, or any prospective vacancy caused by death or resignation before time for commencement of the term of a commissioner-elect, is filled at any time by appointment by the commissioners in office. In the event of a tie vote, the auditor casts the deciding vote.¹²

Ever since August 1, 1831, the general administrative control of county matters has been vested in a board of commissioners, composed of three members (individually known as county commissioners) elected by voters of the whole county from the residents of three commissioners' districts, subject to exception herein stated. From April 1, 1825 (the time of the creation of the county) until August 1, 1831, county business was transacted by a board of justices composed of all the justices of the peace in the county. From August 4, 1834 until August 1, 1842, the board doing county business was composed of all the justices of the peace of the county but was officially known as "The Board of Commissioners of Clay County." From August 1, 1842 until August 7, 1843, the board doing county business (still known as "The Board of Commissioners of Clay County") was composed of one justice from each township, the township voters determining what justice should serve on the board. Since 1899 many powers of a fiscal nature (including the making of tax levies) previously exercised by the board of commissioners have been vested exclusively in the county council.¹³

The board of commissioners is a body corporate and politic by the name and style of "The Board of Commissioners of the County of Clay." As such, and in such name, the board may sue and be sued. It possesses duties, rights, and powers incident to corporations.¹⁴ In legal contemplation, the board is the county.¹⁵

¹¹ Acts, 1897, 1899; Burns 49-834; Baldwin 13050.

¹² 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

¹³ Rev. Laws 1824, ch. 15. Acts 1825, ch. 15, secs. 4, 6. Acts 1825-26, ch. 24. Rev. Laws 1831, ch. 20. Acts 1833-34, ch. 23. Rev. Stat. 1838, ch. 21. Acts 1841-42 (general), ch. 163. Rev. Stat. 1843, ch. 7, art. 1. 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 17, 18, 21, 22. Acts 1899; Burns 26-501 to 26-551; Baldwin 5365 to 5414. 1 Rev. Stat. 1852; Burns 26-601 to 26-639; Baldwin 5215 *et seq.* Const., art. 6, sec. 10. (1934) Snider v. State ex rel. Leap, 206 Ind. 474, 190 N. E. 178.

¹⁴ 1 Rev. Stat. 1852; Burns 26-606; Baldwin 5220.

¹⁵ Dice v. County Board of Finance, 99 Ind. App. 405, 192 N. E. 770.

The principal functions of the board are: Control of county property; allowance of claims against the county;¹⁶ to provide office rooms for county officers;¹⁷ construction and repair of roads,¹⁸ bridges, culverts,¹⁹ and county buildings;²⁰ purchase of materials and supplies;²¹ exercise of the power of eminent domain;²² preparation of annual budget estimates;²³ issuance of bonds;²⁴ establishment and change of township²⁵ and precinct²⁶ boundary lines; to provide rooms, booths, ballot boxes, and voting machines for elections;²⁷ establishment and maintenance of libraries²⁸ and hospitals;²⁹ inspection of county jail³⁰ and poor asylum;³¹ subscription to and preservation of newspapers printed in the county;³² maintenance of standards of weights and measures;³³ reproduction of mutilated or decayed records;³⁴ regulation of

¹⁶ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1879 (Spec. Sess.); Burns 26-807; Baldwin 5256.

¹⁷ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1899; Burns 26-625; Baldwin 5241.

¹⁸ Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933; Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

¹⁹ Acts 1905, 1907, 1929; Burns 36-1901 *et seq.*; Baldwin 9236 *et seq.* Acts 1905, 1911, 1913; Burns 36-2001 *et seq.*; Baldwin 9191 *et seq.* Acts 1920 (Spec. Sess.); Burns 36-2404; Baldwin 9154.

²⁰ 1 Rev. Stat. 1852; Burns 26-624; Baldwin 5240. Acts 1907; Burns 26-2002, 26-2004; Baldwin 5101, 5103.

²¹ Acts 1899; Burns 26-535; Baldwin 5400. Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

²² Acts 1937; Burns, 1938 suppl., 26-640; Baldwin 1937 suppl., 5236-1. Acts 1899; Burns 26-2101 to 26-2106; Baldwin 5109 to 5114. Acts 1919; Burns 36-303; Baldwin 8861. Acts 1935; Burns, 1939 suppl., 36-711; Baldwin, 1935 suppl., 8861-1.

²³ Acts 1899; Burns 26-516, 26-519; Baldwin 5380, 5383.

²⁴ 1 Rev. Stat. 1852, Acts 1869; Burns 26-1001 *et seq.*; Baldwin 5242 *et seq.*

²⁵ Acts 1859; Burns 26-701; Baldwin 16055. Acts 1919; Burns 26-705; Baldwin 16059.

²⁶ Acts 1889, 1907; Burns 29-801 *et seq.*; Baldwin 7089 *et seq.* Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

²⁷ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1889; Burns 29-1101; Baldwin 7101. Acts 1897; Burns 29-1121; Baldwin 7135.

²⁸ Acts 1917, 1921, 1927; Burns 41-510; Baldwin 10321.

²⁹ Acts 1903; Burns 22-3201; Baldwin 4507.

³⁰ Acts 1909; Burns 13-1008; Baldwin 13460.

³¹ 1 Rev. Stat. 1852, Acts 1899; Burns 52-205; Baldwin 13373.

³² 1 Rev. Stat. 1852; Burns 26-626; Baldwin 5285.

³³ 1 Rev. Stat. 1852; Burns 69-101.

³⁴ Acts 1877; Burns 26-634, 26-635; Baldwin 5339, 5340.

traffic on highways;³⁵ authorization of payment of bounties;³⁶ offering rewards in case of murder or lynching;³⁷ enforcement of its orders;³⁸ appointment of highway supervisor,³⁹ health officer,⁴⁰ public health nurses,⁴¹ and members of the miners' examination board;⁴² employment of a county attorney⁴³ and tax ferrets;⁴⁴ removal of a delinquent county treasurer after suit on his official bond has been commenced;⁴⁵ and appointment of successors in case of any vacancy in the offices of auditor, clerk of the circuit court, coroner, county assessor, surveyor, sheriff, and treasurer.⁴⁶

Before 1909 the board of commissioners audited the books and accounts of all officers handling county funds. Since 1909 such duties have been performed by the state examiner instead of the board of commissioners.⁴⁷

The board of commissioners has always had the power to establish, construct, and maintain roads. From 1879 until 1913 the board constituted, ex officio, a board of turnpike directors for the management and control of all free turnpikes in the county.⁴⁸ From 1913 until 1933 county roads were in charge of a superintendent of highways appointed by the board.⁴⁹ Since 1933 the supervision of county roads has been a duty of the surveyor unless the board appoints a county

³⁵ Acts 1919; Burns 36-706; Baldwin 8899.

³⁶ 1 Rev. Stat. 1852, Acts 1875, 1883, 1911; Burns 26-1101 to 26-1103, 26-1105, 26-1106; Baldwin 5288, 3802, 5289, 5293, 5294.

³⁷ Acts 1899; Burns 26-1104; Baldwin 5290.

³⁸ 1 Rev. Stat. 1852; Burns 26-619; Baldwin 5233.

³⁹ Acts 1933; Burns 36-1110; Baldwin 8708.

⁴⁰ Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

⁴¹ Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

⁴² Acts 1923; Burns 46-1001; Baldwin 11073.

⁴³ Acts 1917; Burns 10-3103; Baldwin 822. Acts 1899; Burns 26-519; Baldwin 5383.

⁴⁴ Acts 1905; Burns 64-2830; Baldwin, 1935 suppl., 15696-1.

⁴⁵ 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

⁴⁶ 1 Rev. Stat. 1852; Burns 49-405; Baldwin 13104. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁴⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Acts 1909; Burns 60-211; Baldwin 13862. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁴⁸ Acts 1879 (Spec. Sess.), ch. 115, sec. 1.

⁴⁹ Acts 1913, ch. 330, sec. 1.

highway supervisor.⁵⁰ In Clay County the board has formally appointed the surveyor county highway supervisor.⁵¹

A regular session of the board of commissioners begins on the first Monday of each month and continues so long as the necessary business of the session requires.⁵² Special sessions are held when called by the auditor, or, in case of death or disqualification, by the clerk of the circuit court or the recorder, respectively.⁵³ Any two members constitute a quorum to do business.⁵⁴ The sheriff, by himself or deputy, attends the meetings of the board and executes its orders.⁵⁵ All meetings of the board are open to the public.⁵⁶ The board adopts regulations for the transaction of business; and in the trial of causes it is required to comply, so far as practicable, with the rules for conducting business in the circuit court.⁵⁷ Whenever, in the trial of any cause, two or more members of the board are disqualified, the circuit judge appoints special commissioners to act in their places.⁵⁸

Though appeals may be taken to the circuit court to review all judicial decisions of the board, no appeal lies from the action of the board in a purely ministerial or administrative capacity, unless a statute specifically allows it.⁵⁹ Appeals are authorized in proceedings concerning claims against the county,⁶⁰ removal of county seat,⁶¹ establishment or vacation of public ferry,⁶² and highway matters.⁶³

The auditor, as clerk of the board, attends its meetings, keeps a record of the proceedings, and preserves in his office all the books and papers touching the business of the county.⁶⁴

⁵⁰ Acts 1933; Burns 36-1101, 36-1110; Baldwin 8699, 8708.

⁵¹ See the separate essay on the office of the county highway supervisor.

⁵² Acts 1899; Burns 26-550; Baldwin 5221.

⁵³ Acts 1863, 1899; Burns 26-607 to 26-610; Baldwin 5222 to 5225.

⁵⁴ 1 Rev. Stat. 1852, Acts 1929; Burns 26-601; Baldwin 5215.

⁵⁵ 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

⁵⁶ 1 Rev. Stat. 1852; Burns 26-623; Baldwin 5239.

⁵⁷ 1 Rev. Stat. 1852; Burns 26-617; Baldwin 5228.

⁵⁸ Acts 1913; Burns 26-614 to 26-616; Baldwin 5229 to 5231.

⁵⁹ 1 Rev. Stat. 1852; Burns 26-901. State ex rel. Starry v. Board of County Comrs., 136 Ind. 207, 35 N. E. 1100.

⁶⁰ Acts 1879 (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275.

⁶¹ Acts 1885 (Spec. Sess.); Burns 26-410.

⁶² 1 Rev. Stat. 1852; Burns 36-2615; Baldwin 7705.

⁶³ Acts 1905; Burns 36-1501; Baldwin 8858.

⁶⁴ 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

PROCEEDINGS AND REPORTS

1. COMMISSIONERS' RECORD, 1851-. 36 vols. (1-8, 8, 10-12, 12-35).

Minutes of meetings of board of commissioners concerning all county business, showing date and place of meeting, court term, names of members present and persons transacting business with board, subjects discussed, and action taken. Also contains: Claim and Allowance Record, 1851-1910, entry 26; Record of Proceedings, Board of Turnpike Directors, 1879-1904, entry 35. Arr. by court terms, thereunder chron. by dates of meetings. Indexed alph. by subjects discussed; for separate index, 1895-1914, see entry 2. 1851-Feb. 10, 1911, hdw.; Feb. 12, 1911-, typed. 588 pp. 19 x 13 x 3. Aud. rec. rm.

2. INDEX TO COMMISSIONERS' RECORDS, 1895-1914. 8 vols. Partial index to Commissioners' Record, entry 1, showing names of persons transacting business with board of commissioners, subjects of business, and volume and page reference to recording. Arr. alph. by names of persons transacting business and subjects of business. Hdw. 500 pp. 18 x 13 x 2. 3 vols., 1895-Nov. 11, 1898, attic stor. rm.; 5 vols., Nov. 14, 1898-1914, aud. rec. rm.

3. COMM[issioners'] COURT [Documents], 1848-. 232 f. b., 6 cartons.

Original documents acted upon by board of commissioners, showing dates of document and filing, nature of action, names of principals, and action taken. Also contains: Liquor Licenses Bonds and Applications, 1868-70, 1873-75, 1898-99, entry 13; Bids and Contracts, 1849-84, entry 18; Commissioners' Claims, 1848-74, entry 27; Road Papers, 1848-92, entry 34; Bridge Papers, 1934-, entry 37; Township Trustee Poor Reports, 1910-14, entry 370; Dog Fund, 1904-5, entry 375; Distribution to Townships, 1888-89, 1895-99, entry 394. County Orders [Redeemed], 1895-1905, entry 410; Arr. chron. by dates of filing. No index. Hdw. and typed. 205 f. b., 6 x 4 x 9; 27 f. b., 11 x 5 x 14; cartons, size varies. 205 f. b., 6 cartons, 1848-1909, 1910-, attic stor. rm.; 27 f. b., 1910-18, aud. rec. rm.

4. CEMETERY PAPERS, 1925-. 1 f. b.

Instruments acted on by board of commissioners, pertaining to incorporation of cemetery associations, showing dates of instrument and filing, names of principals and association, location and description of cemetery, and action taken. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

5. COMMISSIONERS' DOCKET, 1860-Jan. 31, 1865, Oct. 1885-Apr. 4, 1911. 10 vols. (1, 3-11).

Record of filing of causes for action of board of commissioners, showing cause number, names of parties, kind of document, date of filing, volume and page reference to Commissioners' Record, entry 1, number of order, and proceedings of the board. Arr. num. by cause nos. No index. Hdw. 340 pp. 16 x 12 x 2½. Aud. rec. rm.

6. COMMISSIONERS' CASE DOCKET, 1879-June 4, 1917. 7 vols. (1, 2, 1-5). Title varies: Auditor's Docket, 1879-Sept. 14, 1895, vols. 1, 2.

Record of filing of instruments for action by board of commissioners, showing court term, dates of filing and action, cause number, names of attorneys, title of cause, kind of action, and minutes of the court. Arr. num. by cause nos. No index. Hdw. 150 pp. 18 x 12 x 2. 4 vols., 1879-Sept. 1897, Nov. 1, 1905-Jan. 4, 1915, attic stor. rm.; 3 vols., Dec. 1897-Nov. 10, 1905, Jan. 6, 1915-June 4, 1917, aud. rec. rm.

7. SALE RECORD FOR TAXES [DESTROYED RECORDS], 1852-60. 1 vol.

Record of proceedings of commissioner appointed by board of commissioners for the purpose of taking testimony to perpetuate contents of county records destroyed in the court house fire of 1851 at Bowling Green, Indiana, showing court term, name of commissioner presiding, and proceedings of court. Arr. chron. by court terms. No index. Hdw. 400 pp. 18 x 12 x 2½. Attic stor. rm.

8. [DESTROYED MARRIAGE RECORDS], 1852-57. 1 vol.

Record of proceedings of commissioner appointed by board of commissioners to take testimony to perpetuate marriage records destroyed by fire in 1851, showing date of court term, name of commissioner presiding, and proceedings of court. Arr. chron. by dates of court terms. No index. Hdw. Condition very poor. 200 pp. 13 x 8 x 1. Clk. rec. rm.

For other marriage records, see entries 55, 56 and 588.

9. REGISTER OF FINES [DESTROYED RECORDS], 1852-Sept. 24, 1855. 1 vol.

Transcripts of testimony taken to perpetuate contents of county records destroyed by fire of 1851, showing same information as entry 7. Arr. chron. by dates of meetings. No index. Hdw. 400 pp. 18 x 12 x 2½. Attic stor. rm.

10. MINERS' EXAMINATION BOARD, 1911-. 1 f. b.

Annual reports submitted to board of commissioners by miners examination board of certificates of competency as a qualified

miner and permits issued to work with a qualified miner with auditor's quietuses for payment of fees attached, showing dates of report and filing, number of certificates and permits issued, amount of fees collected and paid to treasurer, and date, number and amount of quietus. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

11. TRUSTEE'S REPORT RECORD, 1885-1909. 2 vols. (1, 2).
Discontinued.

Abstracts of periodic reports of receipts and disbursements of funds controlled by township trustees submitted to board of commissioners, showing date of report, date and amount of last annual balance, amounts of receipts and expenditures since last report, salary allowed trustees, source of receipt, totals and balances, names of trustee, fund and township, and term of commissioners' court. Arr. chron. by dates of reports. Indexed alph. by names of trustees. Hdw. 350 pp. 18 x 13 x 2. Aud. rec. rm.

LEGAL PUBLICATIONS

(See also entries 18-21, 34, 37, 41, 42, 45, 141)

12. PROOFS OF PUBLICATION, 1899-1927, 1937-. 5 f. b.,
1928-36 in Bids [and contracts], entry 18.

Affidavits made by publishers of publication of legal notices, showing dates of affidavit, publication and filing, names of publication and publisher, number of times published, cost of publication, and printed copy of notice. Arr. chron. by dates of filing. No index. Hdw. 1 f. b.; 6 x 4 x 9; 4 f. b., 11 x 5 x 14. 1 f. b., 1899-1906, attic stor. rm.; 4 f. b., 1907-27, 1937-, aud. rec. rm.

LIQUOR LICENSES

(See also entries 413, 418)

13. LIQUOR LICENSE BONDS AND APPLICATIONS, 1872, 1876-97,
1900-1918. 16 f. b. Discontinued by an act of 1918.
1868-70, 1873-18, 1898-99 in Comm[issioners'] Court
[Documents], entry 3.

Application for liquor licenses and bonds posted by retail liquor dealers, showing dates of application, bond and filing, names of applicant and sureties, amount and conditions of bond, location and description of place of business, and volume and page reference to Retailers' Bond Record, entry 14. Arr. chron. by dates of filing. No index. Hdw. and typed. 11

f. b., 6 x 4 x 9; 5 f. b., 11 x 5 x 14. 11 f. b., 1872, 1876-97, 1900-02, attic stor. rm.; 5 f. b., 1903-18, aud. rec. rm.

14. RETAILERS' BOND RECORD, 1874, 1876-1914. 9 vols. (2 vols. not numbered, 2-4, 2 vols. not numbered, 3, 4). Discontinued by an act of 1918. 1915-17 in Bond Record [Official], entry 503.

Record of bonds posted by dealers of alcoholic liquors, showing dates of bond, acceptance, filing and recording, names of dealer and sureties, amount and conditions of bond, and location and description of place of business. 1 vol., 1874, arr. chron. by dates of recording; 5 vols., 1876-Mar. 1899, arr. chron. by dates of acceptance; 3 vols., Apr. 1899-1914, arr. chron. by dates of recording. 1 vol., 1874, no index; 8 vols., 1876-1914, indexed alph. by names of dealers. Hdw. and typed. 350 pp. 16 x 11 x 1½. 8 vols., 1874, 1876-Aug. 20, 1902, Nov. 6, 1906-14, attic stor. rm.; 1 vol., Aug. 22, 1902-Nov. 1, 1906, aud. off.

BOND ISSUES

15. REGISTER OF BONDS, 1893-. 3 vols.

Record of all bond issues to defray expenses, showing dates of bonds, sale, payment and maturity, name and address of purchaser, place of payment, amount and purpose of issue, rate and amount of interest paid, number and amount of bond and coupon, amount of premium received, number of bonds issued, and volume and page reference to Commissioners' Record, entry 1. Arr. chron. by dates of bonds. Indexed alph. by names of bond issues. Hdw. 400 pp. 18 x 13 x 2. 1 vol. 1898-1920, aud. off.; 2 vols., 1893-1907, 1917-, aud. rec. rm.

16. BONDS AND COUPONS REDEEMED, 1882, 1885-86, 1888, 1890-95, 1897-. 56 f. b., 4 cartons, 1 f. d. Title varies: Military Papers & Bonds, 1897-98.

Redeemed bonds and interest coupons thereto, originally issued to finance county expenses, showing dates of bond, maturity and redemption, amounts and serial numbers of bond and coupon, and purpose of issue. Arr. chron. by dates of redemption. No index. Hdw. 16 f. b., 6 x 4 x 9; 40 f. b., 11 x 5 x 14; 4 cartons, 28 x 16 x 12; 1 f. d., 12 x 17 x 28. 16 f. b., 4 cartons, 1882, 1885-86, 1888, 1890-95, 1897-1913, 1927-35, attic stor. rm.; 40 f. b., 1914-26, aud. rec. rm.; 1 f. d., 1936-, aud. pvt. off.

BIDS AND CONTRACTS

17. BIDDER'S RECORDS, 1935-. 1 vol.

Register of all bids submitted to board of commissioners for construction, improvements, repairs, supplies, and materials for county projects and institutions, showing dates of publication and opening of bid, names and addresses of publication and bidder, quantity, purpose, description and unit price of bid, name of accepted bidder, and volume and page reference to Commissioners' Record, entry 1. Arr. chron. by dates of bids. Indexed alph. by names of bidders. Hdw. 268 pp. 14 x 13 x 1½. Aud. rec. rm.

18. BIDS [and Contracts], 1885-. 22 f. b. Title varies: Bids and Contracts, 1906-10; Court House, 1912-14; Miscellaneous Contracts and Bonds, 1913-29; Heating Plant for Jail and Court House, 1923; Misc[ellaneous] Bids and Awards Road Machinery and Equipment Current, 1925-34; County Jail, 1933-34; Papers on Court House Project, 1935. 1849-84 in Comm[issioners'] Court [Documents], entry 3.

Originals and copies of accepted and rejected bids, contracts, specifications, plans, contractors' and construction bonds, final reports of superintendent and engineer on bridges and roads, and proofs of publication, showing dates of instrument and filing, names of bidder, principals, sureties and publication, amount and conditions of bond, unit price, specifications, itemized list of supplies, and total amount of bids. Also contains: Proofs of Publication, 1928-36, entry 12; Printing Contracts, 1897, 1906, 1909, 1913-16, 1918-19, 1923-24, entry 19; County Asylum, 1937-, entry 20; Orphans' Home, 1936-, entry 21. Arr. chron. by dates of filing. No index. Hdw. and typed. 3 f. b., 6 x 4 x 9; 19 f. b., 11 x 5 x 14. 3 f. b., 1895-1911. attic stor. rm.; 19 f. b., 1906-, aud. rec. rm.

19. PRINTING CONTRACTS, 1919-. 3 f. b. 1897, 1906, 1909, 1913-16, 1918, 1919, 1923-24, also in Bids [and Contracts], entry 18; 1911-12, 1916-18, 1919-20, also in Requisitions for Supplies, entry 22.

Papers pertaining to printing contracts, including requisitions, specifications, bids, contracts, bonds, and proofs of publication, showing dates of instrument, publication, approval and filing, names of principal, sureties and publication, amount and conditions of bond, itemized list of supplies, and terms involved. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

20. COUNTY ASYLUM, 1910-36. 3 f. b. Title varies: Requisitions for County Poor Farm, 1910-17. 1937- in Bids [and contracts], entry 18.

Papers pertaining to construction and maintenance of county poor farm, including construction superintendents' daily reports, photographs of building at various stages of construction, quarterly estimates, requisitions for supplies and bids, quarterly reports of superintendent, physicians' contracts, and proofs of publication, showing dates of instrument and filing, names of principals, publication and publisher, itemized statement of supplies needed, and detailed report of superintendent. Arr. chron. by dates of filing. No index. Hdw. and typed. 1 f. b., 6 x 4 x 9; 2 f. b., 11 x 5 x 14. 1 f. b., 1910-11, attic stor. rm.; 2 f. b., 1910-36, aud. rec. rm.

21. ORPHANS' HOME, 1910-35. 2 f. b. Title varies: Requisitions for Orphans' Home, 1910-22, 1 f. b. 1936- in Bids [and contracts], entry 18.

Instruments pertaining to maintenance of orphans' home, including estimates, requisitions and bids for supplies, construction bonds, contracts, proofs of publication, and reports of county board of charities and correction, showing dates of instrument and filing, names of principals, publication, publisher and sureties, and terms involved. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

22. REQUISITIONS FOR SUPPLIES, 1906-27. 4 f. b. 1928- in Budget & Tax Levies [Estimates], entry 44.

Original requisitions for supplies submitted annually to board of commissioners by all county officials, showing dates of requisition and filing, names of office and officials, and itemized list of supplies needed. Also contains: Printing Contracts, 1911-12, 1916-20, entry 19; Budget and Tax Levies [Estimates], 1908-10, entry 44. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

23. CONTRACTORS QUESTIONNAIRES & FINANCIAL STATEMENTS, 1929-32. 1 f. b.

Combined questionnaires and financial statements submitted to board of commissioners by bidders on public construction, showing dates of instrument and filing, name and address of bidder, itemized experience, plan and equipment questionnaires, and financial statement. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

24. INSURANCE POLICIES EXPIRED, 1902-24. 1 f. b.

Expired insurance policies covering county property, showing dates of policy and expiration, names of insurance company, agent and insured, amounts of policy and premiums, kinds of policy and property insured, and conditions of policy. Arr. chron. by dates of policies. No index. Typed. 11 x 5 x 14. Aud. rec. rm.

25. PHYSICIAN'S CONTRACTS, 1887-89. 1 vol.

Transcripts of physicians' contracts with board of commissioners to do all pauper medical practice in townships, showing dates of contract and approval, names of physician, sureties and townships, amount of physician's annual salary, and duration and conditions of contract. Arr. by years, thereunder by twps. Indexed alph. by names of physicians. Hdw. 240 pp. 16 x 11 x 1½. Attic stor. rm.

CLAIMS AND ALLOWANCES

26. CLAIMS AND ALLOWANCE RECORD, 1911-. 11 vols. (1-11).
1851-1910 in Commissioners' Record, entry 1.

Record of claims presented to and allowances made by board of commissioners, showing claim number, date of filing, name of claimant, nature of claim, amount of claim and allowance, and warrant number. Arr. num. by claim nos. No index. Hdw. 322 pp. 16 x 12 x 2½. Aud. off.

27. COMMISSIONERS' CLAIMS, 1875-. 24 cartons, 32 f. b.
1849-74 in Comm[issioners'] Court Documents, entry 3.

Original claims presented to board of commissioners, showing dates of claim, filing and allowance, name of claimant, nature and amount of claim, and claim, appropriation and warrant numbers. Also contains: County Surveyor's Mileage, 1933-, entry 32; Poor Relief Claims, 1875-1936, entry 33. 1875-1936, arr. chron. by dates of filing; 1937-, arr. num. by claim nos. No index. Hdw. and typed. Cartons, size varies; f. b., 11 x 5 x 14. 24 cartons, 21 f. b., 1875-1936, attic stor. rm.; 11 f. b., 1937-, aud. rec. rm.

28. GRAVEL ROAD REPAIR ALLOWANCES, 1899-1910, 1914-23,
1936-. 2 cartons, 15 f. b. Title varies: Road
Papers, 1907-9.

Original claims presented to board of commissioners for labor and material used on free gravel roads, showing dates of claim, filing and allowance, nature and amount of claim, names of claimant, road and road superintendent, and itemized statement of labor performed and material furnished. Arr.

chron. by dates of filing. No index. Hdw. 1 carton, 11 x 7 x 6; 1 carton, 20 x 14 x 17; f. b., 11 x 5 x 14; 2 cartons, 10 f.b., 1899-1910, 1914-22, attic. stor. rm.; 5 f. b., 1936-, aud. rec. rm.

29. CLAIMS FILED AGAINST THE CONTRACTORS, 1911-16. 1 f.b. Claims against contractors filed by sub-contractors for materials furnished and allowed by board of commissioners, showing dates of claim, allowance and filing, names of claimant and contractor, amounts of claim and allowance, nature of claim, and appropriation number. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

30. SHERIFF'S MILEAGE [Claims], 1916-. 1 f.b. Original claims presented to board of commissioners for transportation of prisoners to correctional institutions, showing dates of claim and filing, date and term of sentence, names of prisoner and institution, cause number, number of miles traveled, amount of claim, and warrant number. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

31. COUNTY AGRICULTURAL AGENT'S CLAIMS 4H CLUB AGENTS' CLAIMS, 1917-. 2 f.b. Original claims presented to board of commissioners by agricultural agent, 1917-, and home demonstration agent, 1936-, showing dates of claim, filing and allowance, name of claimant, amounts of claim and allowance, nature of claim, and claim, warrant and appropriation numbers. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

32. COUNTY SURVEYORS' MILEAGE, 1928-32. 1 f.b. 1933- in Commissioners' Claims, entry 27. Original claims filed by surveyor for per diem and mileage, showing dates of claim, filing and allowance, name of claimant, statement of hours worked, mileage traveled and work performed, and amount of claim. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

33. POOR RELIEF CLAIMS, 1937-. 33 f.b. (labelled by twps.). 1875-1936 in Commissioners' Claims, entry 27. Claims submitted to board of commissioners by vendors for services and provisions furnished indigent persons, with township trustees' original purchase orders attached, showing dates of purchase order, purchase and claim, names of indigent and vendor, amounts of order and claim, and case, order, claim and warrant numbers. Arr. num. by warrant nos. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

PUBLIC IMPROVEMENTS

(see also entries 316-321, 428-437)

ROADS (see also entries 639, 640)

34. ROAD PAPERS, 1893-. 45 f. b. (A-H, J-N, P, R-T, S, V, W, A-D, F-H, J-M, P, R, S, and 11 f. b. not labelled). Title varies: Notice of Hearing Petitions of Gravel Roads; Gravel Road Petitions in Waiting, 1920-32. 1848-92 in Comm[issioners'] Court [Documents], entry 3.

Original and transcripts of instruments pertaining to the construction and improvement of public roads, including petitions, notices of hearing, remonstrances, viewers' reports, engineers' estimates, bids, specifications, contracts, contractors' bonds, final reports of superintendent and engineer, and proofs of publication, showing date and nature of instrument, names of road and principals, amount involved, and action taken. Arr. alph. by names of roads. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

35. RECORD OF PROCEEDING BOARD OF TURNPIKE DIRECTORS, 1905-16. 2 vols. (1, 2). 1879-1904 in Commissioners' Record, entry 1.

Minutes of meetings of board of turnpike directors, 1905-13, and board of commissioners, 1914-16, for construction and maintenance of roads, showing date and place of meeting, names of members present, subjects of business discussed, and action taken. Arr. chron. by dates of meetings. For index, see entry 36. 1905-Jan. 1910, hdw.; Feb. 1910-16, typed. 592 pp. 18 x 13 x 2½. Aud. rec. rm.

For other minutes of meetings for road construction and maintenance, see entry 1.

36. INDEX TO RECORDS OF TURNPIKE DIRECTORS, 1905-16. 1 vol. Index to Record of Proceedings Board of Turnpike Directors, entry 35, showing subjects of business, names of persons and firms transacting business with turnpike directors, and volume and page reference to recording. Arr. alph. by subjects of business and names of persons and firms transacting business. Hdw. and typed. 590 pp. 18 x 13 x 2½. Aud. rec. rm.

BRIDGES (see also entry 641)

37. BRIDGE PAPERS, 1897-1903, 1917-33. 16 f.b. (BE, FK, LM, P, R, S, TV, W, Z, and 7 f.b. not labeled). 1934- in Comm[issioners'] Court [Documents], entry 3.

Papers pertaining to construction and repair of county bridges,

including viewers' reports, plans and specifications, profiles, bids, contracts, construction bonds, final reports of superintendent and engineer, and proofs of publication, showing dates of instrument, completion of work and filing, nature of instrument, names of bridge and principals, amount of cost, and terms involved. Arr. alph. by names of bridges. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

DITCHES (see also entries 634-638)

38. DITCH RECORD, 1895-1926. 2 vols. (1, 2).

Minutes of meetings of board of commissioners on all matters pertaining to ditches, including petitions, viewers' and engineers' reports, assessment and apportionment schedules, remonstrances, contracts, contractors' bonds, and bond issues for financing cost of construction, showing date and place of meeting, names of members present, subjects of business discussed, and action taken. Arr. chron. by dates of meetings. For index, see entry 39. Hdw. and typed. 400 pp. 18 x 13 x 2. Surv. off.

39. INDEX TO DITCH RECORDS 1 & 2, 1895-1926. 1 vol.

Index to Ditch Record, entry 38, showing subject of business discussed and page reference to recording. Arr. alph. by subjects of business discussed. Hdw. 400 pp. 18 x 13 x 2. Aud. rec. rm.

40. RECORD [Conley Ditch], 1899-1913. 1 vol.

Report of engineer and viewers on the proposed William A. Conley et al ditch, 1899, and schedules of assessments, 1899-1913, showing date of report, names of viewers, engineer, surveyor and property owners, profile of surface and grade elevations, locations of bridges and culverts, schedules of property benefited and damaged by reason of construction, amount of assessments, and cost of construction. Arr. alph. by names of property owners. No index. Hdw. 401 pp. 14 x 10 x 1½. Surv. off.

BUILDINGS (see also entries 642-644)

41. CLAY COUNTY HOSPITAL PAPERS, 1925-28. 2 f.b. Title varies: Specifications for Clay County Hospital.

Various instruments pertaining to establishment, construction, equipment, and maintenance of Clay County Hospital, including proposals, petitions, bids, specifications, contracts, proofs of publication, contractors' and election bonds, ordinances to borrow money, hospital trustees' oaths and certificates of election, proofs of posting, estimates, reports of

bond sale and hospital trustees, legal notices, and transcripts of minutes of meetings of board of commissioners and county council on hospital business, showing dates of instrument and filing, names of principals and sureties, conditions of instrument, and action taken. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

PARKS

42. PARK PAPERS, 1927-28. 1 f. b.

Instruments pertaining to purchase of lands for park purposes acted on by board of commissioners, including petitions, transcripts, bids, contracts, and proofs of publication, showing dates of instrument and filing, nature of instrument, names of principals, amounts of bid and contract, conditions of instrument, and action taken. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Aud. rec. rm.

II. COUNTY COUNCIL

The Clay County Council is a statutory body created by an act of 1899, commonly referred to as the County Reform Law.¹ The council is composed of seven members. Each councilman is elected for a term of four years, and holds his office until his successor has been elected and qualified. The county is divided by the board of commissioners into four councilmanic districts; and one councilman is elected by the voters of each district. Three councilmen at large are elected by the voters of the whole county.² Each councilman receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor.³ Members of the first council were appointed in 1899 by the judge of the circuit court.⁴ The county auditor is clerk of the county council; and his duties as such may be performed personally or by deputy.⁵ At an organization meeting held on the second Saturday after its election, the council chooses from its members a presiding officer and a presiding officer pro tem.,

¹ Acts 1899; Burns 26-501; Baldwin 5365.

² Const., art. 15, sec. 3. Acts 1899, 1907; Burns 26-502, 26-505; Baldwin 5366, 5369.

³ Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096.

⁴ Acts 1899; Burns 26-548.

⁵ Acts 1899; Burns 26-509; Baldwin 5373.

who serve for the term of their respective offices as councilmen.⁶

Each councilman must have been an inhabitant of the county during one year next preceding the date of his election or appointment. Each councilman at large must be a qualified voter and resident freeholder of the county; and each of the other councilmen must be a qualified voter and resident freeholder of the district from which he was elected or appointed. No person can hold the office of councilman while holding any other county office or while holding any state, township, or municipal office.⁷ Each councilman, before entering on the duties of his office, must take an oath that he will support the state and federal constitutions and that he will faithfully and honestly perform his duties as councilman.⁸

Each councilman receives a salary of \$20 per year plus \$10 for each day served at special meetings of the council.⁹ Before 1927, there was no additional compensation for serving at special meetings.¹⁰ From 1899 until 1933, the auditor was entitled to a suitable annual allowance by the county council in an amount not less than \$200 nor more than \$600 (in addition to his regular salary), for his services as clerk of the county council; but since 1933 his annual salary of \$2,400 has been compensation for his regular duties and also his duties as clerk of the county council.¹¹

For sufficient legal grounds, any councilman may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.¹² If any councilman is convicted of a felony, the judgment of conviction must declare his office vacant.¹³

⁶ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

⁷ Const., art. 2, sec. 9; art. 6, secs. 4, 6. Acts 1899; Burns 26-504; Baldwin 5368. State ex rel. Workman v. Goldthait, 172 Ind. 210, 87 N. E. 133.

⁸ Const., art. 15, sec. 4. Acts 1899; Burns 26-506; Baldwin 5370. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1899, 1927; Burns 26-503; Baldwin 5367.

¹⁰ Acts 1899, ch. 154, sec. 3.

¹¹ Acts 1899; Burns 26-509, 26-550; Baldwin 5373, 5221. Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. *Opinions of the Attorney General of Indiana, 1934*, p. 313, 1936, p. 130.

¹² Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1899; Burns 26-504; Baldwin 5368. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

The county council has the power to expel any councilman for disability, ineligibility, neglect to perform the duties of his office, or violation of official duties; and no law specifically provides for a review of such expulsion.¹⁴ Any vacancy in the membership of the council is filled by appointment by the remaining members of the council at a special meeting held for that purpose. A person appointed to fill such vacancy holds office until the expiration of the term in which such vacancy occurred and until his successor is elected and qualified.¹⁵

The purpose of the general assembly in creating the county council in 1899 was to place limits and checks on county business and on payments out of the county treasury.¹⁶ Before 1899, the board of commissioners performed the duties now performed by the council.¹⁷

The county council makes appropriations of money to be paid out of the county treasury, makes county tax levies, fixes the county tax rates,¹⁸ authorizes the borrowing of money for the county,¹⁹ and authorizes the county to purchase, sell, or convey real estate of the value of \$1,000 or more.²⁰ In making appropriations, the council considers estimates of expenditures which are filed by all county officers with the auditor and presented by him to the council with his recommendations and proposed ordinances.²¹ Such appropriations, tax levies, and tax rates are subject to review by the county board of tax adjustment.²² In mandamus proceedings, the courts can compel the county council to make appropriations and tax levies where it is the statutory duty of the council to do so; and this is true though such duty rests on the performance of a condition, if in fact the condition has been

¹⁴ Acts 1899; Burns 26-504, 26-512; Baldwin 5368, 5376.

¹⁵ Const., art. 15, sec. 3. Acts 1899, 1907; Burns 26-505; Baldwin 5369.

¹⁶ Acts 1899; Burns 26-529; Baldwin 5393. *Snider v. State ex rel. Leap*, 206 Ind. 474, 190 N. E. 178.

¹⁷ 1 Rev. Stat. 1852, ch. 6, sec. 1; ch. 20, secs. 13, 16, 17, 18, 21, 22.

¹⁸ Acts 1899, 1931; Burns 26-507, 26-515, 26-520; Baldwin 5371, 5379, 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386.

¹⁹ Acts 1899, 1921, 1929; Burns 26-532, 26-540; Baldwin 5396, 5405.

²⁰ Acts 1899; Burns 26-534; Baldwin 5399. Acts 1903; Burns 22-3201; Baldwin 4507.

²¹ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

²² Acts 1937; Burns, 1939 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

performed.²³ The authorization by the council of the issuance of bonds or notes in an amount exceeding \$5,000, excepting temporary obligations, is subject to review by the state board of tax commissioners; and no bonds or notes bearing interest greater than five percent per annum can be issued without the approval of said board.²⁴

The county council and the board of commissioners, acting together, perform the following duties: Approve the acceptance of lands given or devised to the county for purposes of a public forest;²⁵ hold hearings on petitions for the condemnation of school buildings as unfit for use, and decide for or against such condemnation, subject to appeal to the circuit court;²⁶ determining, on proper petition, the order in which county highway projects shall be established and executed, in the event two or more petitions for such projects are on file with the auditor at the same time;²⁷ rebuilding courthouses and jails destroyed by fire or windstorm, and issuing bonds to defray the expense of the same.²⁸

It is unlawful for any councilman to be interested personally in any contract with the county, or to purchase, for less than par, any bond, warrant, claim, or demand against the county.²⁹

The county council holds a regular annual meeting on the first Tuesday after the first Monday of September of each year. Special meetings may be called by the auditor or a majority of the members of the council.³⁰ The sessions are open to the public and may continue until all business is completed.³¹ A majority of all the members constitutes a quorum to do business, and such majority must concur in the passage of ordinances.³² A greater vote is required in order to expel

²³ Acts 1899; Burns 26-528; Baldwin 5392. State ex rel. Simpson v. Meeker, 182 Ind. 240, 105 N. E. 906; state ex rel. Test v. Steinwedel, 203 Ind. 457, 180 N. E. 865; Blue v. state ex rel. Powell, 210 Ind. 486, 1 N. E. (2d) 122.

²⁴ Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736. Citizens Bank v. Burnettsville, 98 Ind. App. 192, 179 N. E. 724.

²⁵ Acts 1929; Burns 32-105; Baldwin 4879.

²⁶ Acts 1931; Burns 28-3001 to 28-3006; Baldwin 6143 to 6148.

²⁷ Acts 1931; Burns 36-327 to 36-331; Baldwin 8751 to 8755.

²⁸ Acts 1935; Burns, 1939 suppl., 26-2011; Baldwin, 1935 suppl., 5240-1.

²⁹ Acts 1899; Burns 26-513, 26-514; Baldwin 5377, 5378.

³⁰ Acts 1899, 1931; Burns 26-507; Baldwin 5371.

³¹ Acts 1899; Burns 26-508; Baldwin 5372.

³² Acts 1899; Burns 26-511; Baldwin 5375.

a member (two-thirds),³³ adopt appropriations for items not included in budget estimates or for amounts greater than those of the items in the budget estimates (three-fourths),³⁴ adopt appropriations at a special meeting (two-thirds),³⁵ and to levy taxes for the repair, maintenance, or preservation of county highways (unanimous).³⁶ The sheriff, by himself or deputy, attends the sessions of the council and executes its orders.³⁷

The auditor, as ex officio clerk of the council, keeps in his office the files and papers of the council and a record of its proceedings.³⁸ He keeps separate accounts for each specific item of appropriation made by the council.³⁹

43. COUNTY COUNCIL RECORD, 1899-. 2 vols. (1, 2).

Minutes of meetings of county council, showing date and place of meeting, names of members present, subjects discussed, and action taken. Arr. by regular and special sessions, there-under chron. by dates of meetings. No index. 1899- Sept. 4, 1911, hdw.; Sept. 5, 1911-, hdw. and typed. 576 pp. 16 x 12 x 2½. Aud. rec. rm.

44. BUDGET & TAX LEVIES [Estimates], 1899-1907, 1911-. 15 f.b. Title varies: County Council Proceedings, 1899-1905, 1923-30; Miscellaneous Papers, 1906-7; Estimates of Expenses, 1911-20; Special Sessions, 1918-19; County Council and Levies, 1920-22; Tax Rates, 1930-35. 1908-10 in Requisitions for Supplies, entry 22.

Various papers acted upon by county council including budget estimates of officials of Clay County, ordinances of appropriation, tax levies, and certificates of election of county council members, showing dates of instrument and filing, nature of instrument, names of office, officer, taxing unit and members approving ordinance, amount and purpose of appropriation, itemized list of estimated expenditures, itemized tax rates of each fund, total budget, and total levy. Also contains: Requisitions for Supplies, 1928-, entry 22;

³³ Acts 1899; Burns 26-512; Baldwin 5376.

³⁴ Acts 1899; Burns 26-520; Baldwin 5384.

³⁵ Acts 1899, 1907, 1913, 1937; Burns, 1939 suppl., 26-521; Baldwin, 1937 suppl., 5385.

³⁶ Acts 1932 (Spec. Sess.); Burns 36-905; Baldwin 8715.

³⁷ Acts 1899; Burns 26-510; Baldwin 5374.

³⁸ Acts 1899; Burns 26-509; Baldwin 5373. State ex rel. Van Der Veer v. Butcher, 205 Ind.

117, 185 N. E. 908.

³⁹ Acts 1899; Burns 26-523; Baldwin 5387.

[Tax Levies], 1932-, entry 293. Arr. chron. by dates of filing. No index. Hdw. and typed. 4 f.b., 6 x 4 x 9; 11 f.b., 11 x 5 x 14. 4 f.b., 1899-1905, attic stor. rm.; 11 f.b., 1906-7, 1911-, aud. rec. rm.

For requests for additional appropriations, 1936-, see entry 446 i.

45. TEMPORARY LOAN PAPERS & COUNTY REDEMPTION BONDS, 1934-. 1 f.b.

Instruments pertaining to temporary loans and issuance of county redemption bonds, including minutes of meetings of county council and board of commissioners, agreements on bonds, notices to state tax commissioners, proofs of publication, and ordinances of appropriation, showing dates of instrument and filing, names of principals, purpose of instrument, and action taken. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

46. ANNEXATION AND DISANNEXATION PAPERS & FOREST RESERVE, 1919-. 1 f.b.

Transcripts of documents pertaining to annexation and disannexation of lands including proceedings of common council of city of Brazil, ordinances of disannexation, transcripts of court proceedings on petitions for disannexation, remonstrances, notices of annexation, notices to auditor from division of forestry, department of conservation, to place forest lands on tax duplicate at \$1.00 per acre assessment, showing date and kind of instrument, names of principals, and action taken. Arr. chron. by dates of instruments. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

III. CLERK OF THE CIRCUIT COURT

The clerk of the circuit court, commonly referred to as "county clerk", is a constitutional officer, elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. Under the Constitution of 1816, the clerk was elected for a seven-year term by the voters of the county.¹ He is commissioned by the governor,² and holds office until his suc-

¹ Const. 1816, art. 5, sec. 8. Const., art. 6, sec. 2. Acts 1816-17, ch. 14, sec. 1. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427.

² Const. 1816, art. 11, sec. 9. Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

cessor is elected and qualified.⁸ No person is eligible to the office for more than eight years in any twelve-year period.⁴ The clerk must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding said office, he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ Under the Constitution of 1816, the offices of recorder and clerk of the circuit court could be held simultaneously by one person.⁸ He must post bond in the amount fixed by the board of commissioners, approved by that board and filed with the recorder,⁹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹⁰

The clerk of the circuit court receives a regular salary of \$2,080 per year.¹¹ He receives \$300 for his services rendered at each general election, primary election, or special election.¹² For each registration blank or transfer of registration which he fills out and executes, he receives a sum fixed by the board of commissioners in an amount not more than four cents, and in addition thereto receives reasonable compensation (fixed by the board of commissioners) for the additional services rendered by him as registration officer.¹³ He is not permitted to retain, as compensation for himself, any fees collected by him, except to the extent expressly authorized by statute in the following cases: Five cents for each mile necessarily travelled in going from the clerk's office to the office of the governor, to receive state ballots,

⁸ Const., art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2.

⁵ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

⁶ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6.

⁷ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. (1867) *McCracken v. State*, 27 Ind. 491.

⁸ Const. 1816, art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

⁹ Rev. Stat. 1838, ch. 15, sec. 1; ch. 17, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660.

1 Rev. Stat. 1852; Burns 49-106, 49-120; Baldwin 13066, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 2 Rev. Stat. 1852; Burns 49-2701; Baldwin 1427. Acts 1875; Burns 49-2703, 49-2704; Baldwin 1430, 1431.

¹⁰ Const., art. 15, sec. 4. Acts 1816-19, ch. 2, sec. 4. Rev. Laws 1831, ch. 15, sec. 5. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹¹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹² Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

¹³ Acts 1933, 1935; Burns, 1939 suppl., 29-329; Baldwin, 1935 suppl., 7327.

and in returning to the clerk's office; \$5 for his duties in connection with the admission or discharge of any person at any hospital for the insane, the Fort Wayne State School, the Muscatatuck Colony, the Indiana Village for Epileptics, or the James Whitcomb Riley Hospital for Children; fees for the issuance of fish and game licenses; fees for preparing transcripts for change of venue from his county; all fees for change of venue to his county, except preparation of transcripts; and all fees provided for the clerk in naturalization proceedings under the federal laws.¹⁴

For sufficient legal grounds, the clerk of the circuit court may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹⁵ If the clerk is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁶

Any vacancy in the office of clerk of the circuit court is filled by appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), a clerk is elected for the remainder of the term in which the vacancy occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁷

The clerk of the circuit court may appoint two deputies without the approval of the board of commissioners, and may appoint additional deputies and assistants with such approval. The county council fixes the salaries of such deputies and assistants, and such salaries must be not less than \$75 and not more than \$200 per month.¹⁸ The clerk may require any deputy

¹⁴ Acts 1841-42 (general), ch. 119, sec. 1. Acts 1933; Burns 49-1001, 49-1005, 49-1007; Baldwin 7531, 7535, 7537. Acts 1933, 1937; Burns, 1939 suppl., 49-1007; Baldwin, 1937 suppl., 7537. Acts 1927; Burns 49-1301 to 49-1305; Baldwin 7561 to 7565.

¹⁵ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁶ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁷ Const., art. 6, sec. 9. Rev. Laws 1824, ch. 36, sec. 1. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. (1869) Douglass v. State ex rel. Wright, 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁸ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

to give bond.¹⁹ The deputies must take the oath required of the clerk, may perform all the official duties of the clerk, and are subject to the same regulations and penalties.²⁰ The clerk may remove such deputies and assistants at any time, and is responsible for their official acts.²¹

As an officer of the circuit court, the clerk performs numerous duties. He, in person or by deputy, attends the circuit court and performs the customary clerk's duties at trials;²² files pleadings and papers and endorses thereon the time of such filing;²³ issues summonses,²⁴ letters testamentary,²⁵ letters of administration,²⁶ notices for service by publication,²⁷ attachment writs,²⁸ garnishment writs,²⁹ executions,³⁰ and witness subpoenas;³¹ administers oaths;³² takes depositions of witnesses;³³ keeps court dockets,³⁴ inheritance tax records,³⁵ probate records,³⁶ receivership records,³⁷ guard-

¹⁹ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

²⁰ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

²¹ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²² 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

²³ Acts 1816-17, ch. 4, sec. 28. Rev. Stat. 1843, ch. 38, sec. 49. Acts 1881 (Spec. Sess.); Burns 2-802, 2-1641; Baldwin 83, 288. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Indictment. Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

²⁴ Acts 1881 (Spec. Sess.) Burns 2-802; Baldwin 83.

²⁵ Acts 1881 (Spec. Sess.); Burns 6-201; Baldwin 3025.

²⁶ Acts 1881 (Spec. Sess.), 1901; Burns 6-301; Baldwin 3030.

²⁷ Acts 1881 (Spec. Sess.), 1885, 1935; Burns, 1938 suppl., 2-807; Baldwin, 1935 suppl., 88.

²⁸ Rev. Laws 1831, ch. 6, sec. 1. Acts 1881 (Spec. Sess.); Burns 3-509; Baldwin 777.

²⁹ Acts 1881 (Spec. Sess.), 1897; Burns 3-522; Baldwin 791.

³⁰ Acts 1881 (Spec. Sess.); Burns 2-3301 to 2-3314; Baldwin 523, 526, 525, 527, 521, 522, 531, 532, 427, 528 to 530, 535, 524.

³¹ Acts 1881 (Spec. Sess.); Burns 2-1701; Baldwin 289.

³² Acts 1818-19, ch. 17, sec. 1. 2 Rev. Stat. 1852; Burns 49-2708; Baldwin 1435.

³³ Acts 1881 (Spec. Sess.); Burns 2-1501; Baldwin 211.

³⁴ Acts 1814, ch. 13, sec. 5. Acts 1816-17, ch. 4, secs. 11, 12, 28, 32. Rev. Laws 1824, ch. 74, sec. 15. Rev. Stat. 1843, ch. 38, secs. 48, 51; ch. 40, secs. 189, 367, 487. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 358, p. 119. Acts 1881 (Spec. Sess.), 1929; Burns 2-1103, 2-2520, 2-3314; Baldwin 179, 392, 524. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

Docketing appeals. Acts 1881 (Spec. Sess.); Burns 2-3226; Baldwin 500.

³⁵ Acts 1913, ch. 47, secs. 17, 18. Acts 1931, 1933, 1937; Burns, 1939 suppl., 6-2407; Baldwin, 1937 suppl., 15945.

³⁶ Acts 1817-18, ch. 13, secs. 1, 2. Rev. Laws 1824, ch. 79, secs. 8, 38. Acts 1891, ch. 194, sec. 114. Acts 1909, ch. 10, sec. 1. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

³⁷ Acts 1911; Burns 3-2607; Baldwin 1147.

ianship records,³⁸ and records of redemption from judicial sales;³⁹ records orders, judgments,⁴⁰ indictments,⁴¹ notices of lis pendens,⁴² and probated wills;⁴³ draws up a record of the proceedings of the court daily;⁴⁴ enters in a final record book a complete record of causes finally determined;⁴⁵ prepares and certifies transcripts of proceedings for change of venue from the county⁴⁶ or for appeal to a higher court;⁴⁷ and receives payments for all judgments of record in his office.⁴⁸ Under authority of the federal laws, he files naturalization declarations and certificates, keeps records of naturalization proceedings, and makes a report thereof to the United States Immigration and Naturalization Service.⁴⁹ From 1829 until 1853 he was ex officio clerk of the probate court of the county (abolished in 1853);⁵⁰ from 1853 until 1873 he was ex

³⁸ Acts 1846-47 (general), ch. 54, sec. 1. Acts 1889; Burns 8-137; Baldwin 3424.

³⁹ Acts 1879, ch. 79, sec. 7. Acts 1881 (Spec. Sess.); Burns 2-4001; Baldwin 624.

⁴⁰ Acts 1814, ch. 13, sec. 4. Rev. Laws 1824, ch. 40, sec. 13. Acts 1825, ch. 8, sec. 1. Rev. Stat. 1843, ch. 38, sec. 40. Acts 1893; Burns 2-822; Baldwin 103. Acts 1881 (Spec. Sess.), 1929; Burns 2-2520, 2-2706; Baldwin 392, 421. Acts 1915; Burns 3-1410; Baldwin 968. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴¹ 2 Rev. Stat. 1852, pt. 3, ch. 1, sec. 68 (repealed by Acts 1881 (Spec. Sess.), ch. 36, sec. 323). Acts 1881 (Spec. Sess.), ch. 36, sec. 99. Acts 1905; Burns 9-904; Baldwin 2126.

⁴² Acts 1877 (Spec. Sess.), ch. 24, secs. 1, 4. Acts 1881 (Spec. Sess.); Burns 2-813 to 2-821; Baldwin 94 to 96, 101, 102, 97 to 100. Acts 1893; Burns 2-822; Baldwin 103. Acts 1905; Burns 56-505; Baldwin 14708-1.

⁴³ Domestic probate. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014. 2 Rev. Stat. 1852; Burns 7-411; Baldwin 3385. Foreign probate. 2 Rev. Stat. 1852; Burns 7-415 to 7-417; Baldwin 3389 to 3391.

⁴⁴ Acts 1814, ch. 20, sec. 11. Rev. Laws 1824, ch. 74, sec. 54. 2 Rev. Stat. 1852, Acts 1885, 1933; Burns 4-324; Baldwin 1413.

⁴⁵ Rev. Stat. 1843, ch. 38, secs. 40, 52. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴⁶ Acts 1813-14, ch. 37, secs. 1, 2. Acts 1818-19, ch. 3, sec. 4. Acts 1881 (Spec. Sess.); Burns 2-1406; Baldwin 191. Acts 1905; Burns 9-1305; Baldwin 2226.

Fees on change of venue, and record thereof. Acts 1913, ch. 256, sec. 2. Acts 1927; Burns 2-1421; Baldwin 203. *Opinions of the Attorney General of Indiana, 1934*, p. 128.

⁴⁷ Acts 1903, 1915; Burns 2-3104; Baldwin 462. Acts 1881 (Spec. Sess.); Burns 2-3105; Baldwin 455. Acts 1903, 1933; Burns 2-3112; Baldwin 466.

⁴⁸ Acts 1875; Burns 49-2719; Baldwin 1438.

⁴⁹ Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357. Acts of Congress 1906; U. S. C., title 8, sec. 400. U. S. Executive Order (June 10, 1933), 6166, secs. 14. Acts 1933, 1937; Burns, 1939 suppl., 49-1007; Baldwin, 1937 suppl., 7537.

⁵⁰ Acts 1829-30, ch. 26, sec. 3. Rev. Laws 1831, ch. 25, sec. 7. 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, ch. 8, sec. 43.

officio clerk of the common pleas court of the county (abolished in 1873);⁵¹ and from 1868 to 1877 he was ex officio clerk of the criminal court of the county (abolished in 1877).⁵² He prepares budget estimates for the circuit court.⁵³

The clerk issues licenses for marriages,⁵⁴ physicians, surgeons,⁵⁵ midwives,⁵⁶ osteopaths,⁵⁷ chiropractors, drugless healers,⁵⁸ dentists,⁵⁹ optometrists,⁶⁰ hunting, trapping, fishing,⁶¹ poultry dealers,⁶² and junk dealers.⁶³ He approves (unless other provision is made by law), files, and keeps a record of the bonds of county officers (except his own), township officers,⁶⁴ and notaries public.⁶⁵ He records timber brands,⁶⁶ certificates of patents granted by the United States Patent Office,⁶⁷ assumed business names,⁶⁸ trade-marks and

⁵¹ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 25, 26. Acts 1873; Burns 4-328; Baldwin 1417.

⁵² Acts 1869 (Spec. Sess.), ch. 23, sec. 1; ch. 25, sec. 1. Acts 1877, ch. 34, secs. 25, 26.

⁵³ Acts 1899; Burns 26-516; Baldwin 5380.

⁵⁴ Rev. Stat. 1838, ch. 68, sec. 3. Rev. Stat. 1843, ch. 35, secs. 8, 9, 12. 1 Rev. Stat. 1852;

Burns 44-201; Baldwin 5622.

⁵⁵ Acts 1831, ch. 19, secs. 10, 11. Acts 1885 (Spec. Sess.), ch. 77, sec. 2 (repealed by Acts 1897, ch. 169, sec. 10). Acts 1897; Burns 63-1303; Baldwin 10705.

⁵⁶ Acts 1897; Burns 63-1309; Baldwin 10709.

⁵⁷ Acts 1901; Burns 63-1316; Baldwin 10716.

⁵⁸ Acts 1927; Burns 63-1312; Baldwin 10713.

⁵⁹ Acts 1899, ch. 211, secs. 5, 7-11. Acts 1913, 1931, 1935; Burns, 1939 suppl., 63-504; Baldwin, 1935 suppl., 5589. Acts 1913, 1931; Burns 63-506, 63-507; Baldwin 5591, 5592.

⁶⁰ Acts 1907; Burns 63-1009; Baldwin 13180. Acts 1907, 1935; Burns, 1939 suppl., 63-1010, 63-1011; Baldwin, 1935 suppl., 13181, 13182.

⁶¹ Acts 1901, ch. 203, sec. 13 (repealed by Acts 1937, ch. 21, sec. 161). Acts 1907, ch. 216, sec. 9. Acts 1911, ch. 286, secs. 1, 2 (both repealed by Acts 1937, ch. 21, sec. 161). Acts 1927, 1933; Burns 11-302, 11-310; Baldwin 8302, 8309 (both repealed by Acts 1937, ch. 21, sec. 161). Acts 1937; Burns, 1939 suppl., 11-1403; Baldwin, 1937 suppl., 8229-3.

⁶² Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-802; Baldwin 10486.

⁶³ Acts 1905; Burns 42-703; Baldwin 10462.

⁶⁴ Acts 1816-17, ch. 2, sec. 3; ch. 13, sec. 3. Acts 1818-19, ch. 2, sec. 1. Rev. Laws 1824, ch. 13, sec. 2. Rev. Laws 1831, ch. 15, sec. 7; ch. 20, sec. 23. Acts 1833-34, ch. 16, sec. 1. Rev. Stat. 1843, ch. 4, secs. 84, 86, 89; ch. 10, sec. 2. 1 Rev. Stat. 1852; Burns 49-105; Baldwin 13063. Acts 1889; Burns 49-109; Baldwin 13064. Acts 1857; Burns 49-124; Baldwin 13077. Acts 1857; Burns 49-125; Baldwin 16118. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁶⁵ 1 Rev. Stat. 1852, Acts 1855; Burns 49-3503; Baldwin 13016.

⁶⁶ Acts 1901; Burns 51-338; Baldwin 13265.

⁶⁷ Acts 1869 (Spec. Sess.), 1899; Burns 51-401; Baldwin 2772.

⁶⁸ Acts 1909; Burns 50-201, 50-202; Baldwin 13210, 13211.

trade names used on bottles and other containers,⁶⁹ inventories and accounts of trustees,⁷⁰ appointments of railroad agents for service of process,⁷¹ and termination of authority of railroad policemen.⁷² He records marriage licenses, the application therefor, and certificates of marriages;⁷³ and makes monthly reports to the county health officer concerning marriages for the preceding month.⁷⁴ He registers certificates of trained nurses,⁷⁵ and keeps a register of estrays and articles adrift.⁷⁶ Formerly he issued liquor licenses,⁷⁷ brokers' licenses,⁷⁸ firearms permits,⁷⁹ licenses for veterinarians,⁸⁰ stallions,⁸¹ and petty money lenders,⁸² and kept a register of certificates of agents of foreign insurance companies.⁸³

Formerly the clerk kept a negro register,⁸⁴ a roll of attorneys of the county,⁸⁵ lists of shareholders of banks of the county,⁸⁶ lists of lands purchasable at all land offices in the state,⁸⁷ plats showing changes in routes of roads and

⁶⁹ Acts 1897, ch. 192, sec. 1. Acts 1917, 1931; Burns 66-101; Baldwin 16179.

⁷⁰ Acts 1937; Burns, 1939 suppl., 6-2514, Baldwin, 1937 suppl., 3221-14.

⁷¹ Acts 1877 (Spec. Sess.); Burns 55-3301 to 55-3303; Baldwin 14329 to 14331.

⁷² Acts 1927; Burns 55-3408; Baldwin 14654.

⁷³ Rev. Stat. 1838, ch. 68, sec. 6. 1 Rev. Stat. 1852; Burns 44-203; Baldwin 5624. Acts 1905, 1917; Burns 44-205; Baldwin 5625.

⁷⁴ Acts 1881, ch. 19, sec. 11. Acts 1891, ch. 15, sec. 11. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

⁷⁵ Act 1905, 1913, 1931; Burns 63-903; Baldwin 13036.

⁷⁶ Rev. Laws 1824, ch. 39, sec. 2. 1 Rev. Stat. 1852; Burns 51-306, 51-315; Baldwin 13233, 13243.

⁷⁷ Acts 1820-21, ch. 36, secs. 1, 2. Pharmacists' liquor licenses. Acts 1917, ch. 4, secs. 6, 12.

⁷⁸ Acts 1840-41 (general), ch. 5, sec. 18.

⁷⁹ Acts 1913, ch. 167, sec. 1 (repealed by Acts 1917, ch. 125, sec. 6). Acts 1925, 1929; Burns 10-4721, 10-4723, 10-4725; Baldwin 2557, 2559, 2561 (all repealed by Acts 1935, ch. 63, sec. 21).

⁸⁰ Acts 1901, ch. 189, sec. 7 (repealed by Acts 1905, ch. 98, sec. 17).

⁸¹ Acts 1889, ch. 116, sec. 1 (superseded by Acts 1913, ch. 28, creating the stallion enrollment board).

⁸² Acts 1913, ch. 167, secs. 1-4 (repealed by Acts 1917, ch. 125, sec. 6).

⁸³ Acts 1901, ch. 180, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1903, ch. 66, sec. 1 (repealed by Acts 1935, ch. 162, sec. 276). Acts 1865, 1877, 1899; Burns 39-1701; Baldwin 9567 (repealed by Acts 1935, ch. 162, sec. 276).

⁸⁴ 1 Rev. Stat. 1852, ch. 74, sec. 3 (repealed by Acts 1867, ch. 128, sec. 1).

⁸⁵ Rev. Stat. 1843, ch. 38, sec. 93.

⁸⁶ 1 Rev. Stat. 1852, ch. 10, sec. 30.

⁸⁷ Acts 1825, ch. 47, sec. 2. Rev. Stat. 1838, ch. 10, secs. 6, 7.

canals,⁸⁸ kept a record of roads and objects connected therewith,⁸⁹ filed bounty certificates⁹⁰ and enumerations of soldiers and sailors,⁹¹ and recorded limited partnerships.⁹²

The clerk serves ex officio as registration officer for the county⁹³ and as a member of the county election boards.⁹⁴

The board of election commissioners, established in 1889 and composed of the clerk of the circuit court and two members appointed by him, one from each of the two major political parties and nominated by the chairman of the county central committees of the two aforesaid parties, has charge of printing and distributing ballots for general and special elections.⁹⁵ Declarations for independent candidacy are filed with the clerk at least 30 days before the election.⁹⁶ Certificates and petitions of nomination are filed with the clerk not more than 60 days nor less than 30 days before the election.⁹⁷ All election returns⁹⁸ and records are filed in the office of the clerk.⁹⁹

The board of primary election commissioners, established in 1907, is composed of the election commissioners. It is the duty of this board to prepare and distribute ballots for primary elections.¹⁰⁰ Declarations of candidacy for all

⁸⁸ Rev. Stat. 1838, ch. 17, sec. 56.

⁸⁹ Acts 1815, ch. 5, sec. 19.

⁹⁰ Acts 1816-17, ch. 23, sec. 3.

⁹¹ Acts 1885 (Spec. Sess.), ch. 97, secs. 1, 3 (both repealed by Acts 1895, ch. 100, sec. 1).

Acts 1913, ch. 46, secs. 1, 2 (Both repealed by Acts 1923, ch. 4, sec. 1).

⁹² Rev. Stat. 1838, ch. 78, secs. 5-7.

⁹³ Acts 1933, 1935; Burns, 1938 suppl., 29-306; Baldwin, 1935 suppl., 7304. See the separate essay on registration officer.

⁹⁴ Board of primary election commissioners. Acts 1915, 1917; Burns 29-504; Baldwin 7190. Board of election commissioners. Acts 1899; Burns 29-1002; Baldwin 7109. Board of canvassers. Rev. Stat. 1843, ch. 5, sec. 47. Acts 1905; Burns 29-1402; Baldwin 7378. See the separate essays on these boards.

⁹⁵ Acts 1889; Burns 29-1002; Baldwin 7109. See the separate essay on the board of election commissioners.

⁹⁶ Acts 1921, 1925; Burns 29-1006; Baldwin 7119.

⁹⁷ Acts 1889, 1933; Burns 29-1003; Baldwin 7110. Acts 1889, 1931; Burns 29-1007; Baldwin 7114.

⁹⁸ Acts 1920 (Spec. Sess.); Burns 29-912; Baldwin 7157.

⁹⁹ Acts 1889; Burns 29-811, 29-1009; Baldwin 7100, 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447. (1886) State ex rel. Prilliman v. Town of Tipton, 109 Ind. 73, 9 N. E. 704.

¹⁰⁰ Acts 1915, 1917; Burns 29-504; Baldwin 7190. See the separate essay on the board of primary election commissioners.

county and other local officials are filed with the clerk of the circuit court.¹⁰¹ The secretary of state certifies to the clerk a list of all the candidates who have filed declarations of candidacy in his office.¹⁰² The records of the board are filed in the office of the clerk.¹⁰³

The board of canvassers is also composed of the election commissioners.¹⁰⁴ This board examines the papers entrusted to it, tabulates the vote for the county, declares the persons having the highest number of votes, and certifies their election in any election. All records and papers of the board are preserved by the clerk of the circuit court who acts as clerk of the board.¹⁰⁵ The clerk makes out a certificate of votes cast for members of the Indiana General Assembly, members of Congress, governor, and other state officials, to be forwarded to the secretary of state.¹⁰⁶

As registration officer, the clerk takes initial registrations, keeps files of all registration data, checks his files continuously to keep them up to date, and makes transfers of registration.¹⁰⁷

The clerk issues absentee voters' ballots, and applications therefor, either to the applicant by mail or in person at his office.¹⁰⁸ At least 20 days before an election, the clerk certifies to the sheriff a complete list of officers to be elected; so that the sheriff may post election notices.¹⁰⁹ The clerk of the circuit court serves as clerk of the com-

¹⁰¹ Acts 1915, 1917, 1933; Burns 29-513; Baldwin 7199.

¹⁰² Acts 1915, 1931; Burns 29-516; Baldwin 7202.

¹⁰³ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447.

¹⁰⁴ Acts 1905, 1927; Burns 29-1401; Baldwin 7377. See the separate essay on the board of canvassers.

¹⁰⁵ Acts 1816-17, ch. 9, sec. 14. Acts 1816-17, ch. 14, sec. 4. Rev. Stat. 1843, ch. 4, sec. 56. Rev. Stat. 1843, ch. 5, secs. 48, 52, 34. Acts 1905; Burns 29-1402, 29-1404, 29-1405; Baldwin 7378, 7380, 7381. Acts 1881; Burns 29-1501; Baldwin 7178. Brower v. O'Brien, 2 Ind. 423.

¹⁰⁶ Rev. Stat. 1838, ch. 32, secs. 18, 19. Acts 1881 (Spec. Sess.); Burns 29-1506, 29-1509; Baldwin 7183, 7186.

¹⁰⁷ Acts 1933; Burns 29-302, 29-309; Baldwin 7300, 7307. Acts 1933, 1935; Burns, 1939 suppl. 29-311 to 29-314, 29-317, 29-330; Baldwin, 1935 suppl., 7309 to 7312, 7314, 7328. Acts 1933; Burns 29-315, 29-316, 29-318 to 29-322, 29-334; Baldwin 7313, 7314, 7316 to 7320, 7332.

¹⁰⁸ Acts 1881; Burns 29-706; Baldwin 7086. Acts 1917, ch. 100, secs. 4, 5. Acts 1935; Burns, 1939 suppl., 29-2602 to 29-2605, 29-2623; Baldwin, 1935 suppl., 7348-2 to 7348-5, 7348-23.

¹⁰⁹ Rev. Stat. 1843, ch. 5, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

missioners appointed by the circuit court for the recount of votes. The certificate of recount is filed with the clerk.¹¹⁰ When an election is held to change the boundaries of counties, the clerk of the circuit court of each of the affected counties makes out certified copies of the election returns and files them with the auditor of each of such counties.¹¹¹

Before the creation of the office of county auditor in 1841,¹¹² the clerk performed the following duties which were transferred to the auditor¹¹³ in 1841 or soon thereafter: As clerk of the board of commissioners,¹¹⁴ as member of boards performing duties like those of the present county board of review,¹¹⁵ and duties concerning taxation, finance, county business,¹¹⁶ elections,¹¹⁷ and empanelling of petit jurors and grand jurors.¹¹⁸

Formerly, when there was an enumeration of white male inhabitants over the age of 21 years, lists showing such enumeration were delivered to and kept by the clerk, and the clerk certified to the auditor of state the results of such enumeration.¹¹⁹ Since 1845 the auditor has performed these

¹¹⁰ Rev. Stat. 1843, ch. 5, secs. 103, 112. Acts 1881 (Spec. Sess.); Burns 29-2103, 29-2104; Baldwin 7390, 7391.

¹¹¹ Acts 1875; Burns 26-201; Baldwin 5032.

¹¹² Acts 1840-41 (general), ch. 2, sec. 1.

¹¹³ (1853) Jones v. Cavins, 4 Ind. 305.

¹¹⁴ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53.

¹¹⁵ Acts 1817-18 (general), ch. 42, sec. 12. Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8. Acts 1838-39 (general), ch. 14, secs. 14, 15.

¹¹⁶ Acts 1807, ch. 52, sec. 1. Acts 1811, ch. 37, secs. 3, 5. Acts 1813, ch. 8, sec. 6. Acts 1813-14, ch. 32, secs. 2, 3. Rev. Laws 1824, ch. 23, sec. 6; ch. 86, secs. 7, 10, 11, 17, 19, 29, 36, 41. Acts 1825, ch. 49, sec. 2. Acts 1825-26, ch. 58, sec. 2. Acts 1829-30, ch. 9, sec. 1. Acts 1831-32, ch. 174, sec. 1. Acts 1834-35 (general), ch. 10, sec. 5; ch. 11, secs. 5, 18. Rev. Stat. 1838, ch. 91, sec. 26; ch. 95, sec. 1. Acts 1840-41 (general), ch. 2, sec. 54.

¹¹⁷ Acts 1834-35 (general), ch. 43, sec. 1. Rev. Stat. 1838, ch. 32, secs. 18, 19; ch. 91, sec. 26. Acts 1841-42 (general), ch. 45, sec. 8. Rev. Stat. 1843, ch. 5, sec. 103. Acts 1875, ch. 7, sec. 1. Acts 1881 (Spec. Sess.), ch. 47, sec. 13. Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5; ch. 150, secs. 5, 13 (both sections repealed by Acts 1913, ch. 185, sec. 25).

¹¹⁸ Acts 1841-42 (general), ch. 45, secs. 5, 6. 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1. These duties of the auditor were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

¹¹⁹ Acts 1825, ch. 21, sec. 1. Acts 1829-30, ch. 9, secs. 1, 5. Acts 1834-35 (general), ch. 10, sec. 5. Acts 1839-40 (general), ch. 15, sec. 5.

duties,¹²⁰ to which was added in 1877 the enumeration of colored males over the age of 21 years.¹²¹

Formerly the clerk of the circuit court was required to perform the duties of the office of school commissioner if there was no school commissioner.¹²²

The clerk serves ex officio as a member of the county school fund board.¹²³

All funds received by the clerk must be deposited in a depository designated by the board of finance, and may be withdrawn by checks signed by the clerk or his authorized deputy.¹²⁴ He reports to the county auditor and treasurer all fees and fines collected by him.¹²⁵ All money remaining in the office of the clerk for 10 years without being demanded by the party entitled thereto is paid to the attorney general.¹²⁶

The clerk keeps a cashbook,¹²⁷ a daily balance record,¹²⁸ and a register of fees received by him;¹²⁹ and must preserve in his office all records and writings appertaining to his official duties.¹³⁰

The state board of accounts (created in 1909) prescribes the forms of books, reports, accounts, and records for the use or disposition of all clerks of circuit courts for powers and duties of the clerks which in any way concern or affect the accounting for public funds.¹³¹

¹²⁰ Acts 1844-45 (general), ch. 29, secs. 2, 3, 5. Acts 1853, ch. 41, secs. 1-3. Acts 1865 (Spec. Sess.); Burns 65-601 to 65-605, 65-610, 65-611, 65-614; Baldwin 7490 to 7494, 7499, 7500, 7503.

¹²¹ Acts 1877; Burns 65-619, 65-620; Baldwin 7509, 7510.

¹²² Acts 1836-37 (general), ch. 21, sec. 1.

¹²³ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558. See the separate essay on the county school fund board.

¹²⁴ Acts 1937; Burns, 1939 suppl., 61-673, 61-674; Baldwin, 1937 suppl., 1438-1, 1438-2.

¹²⁵ Acts 1828-29, ch. 24, secs. 1, 2. Rev. Laws 1831, ch. 15, sec. 15. Acts 1841-42 (general), ch. 45, sec. 3. Rev. Stat. 1843, ch. 13, sec. 80; ch. 38, sec. 64. Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

¹²⁶ Acts 1933; Burns 49-2717, 49-2718; Baldwin 15177, 15178.

¹²⁷ Acts 1879 (Spec. Sess.); Burns 49-2722; Baldwin 1442.

¹²⁸ Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

¹²⁹ Acts 1909, ch. 10, sec. 1. Acts 1927; Burns 49-1301; Baldwin 7561. Acts 1879 (Spec. Sess.); Burns 49-2723; Baldwin 1443.

Probate fee book. Acts 1881 (Spec. Sess.), 1883; Burns 6-2205; Baldwin 3014.

¹³⁰ Acts 1829-30, ch. 10, sec. 1. Rev. Stat. 1843, ch. 38, sec. 50. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

¹³¹ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

Forms for the following books were prescribed for clerks of circuit courts by the state board of accounts: Cashbook of receipts and disbursements; daily balance record; entry and issue docket and fee book; estate entry, claim and allowance docket and fee book; guardianship docket and fee book; register of fees and funds held in trust; support docket; index and record of receiverships; judgment docket; record of poultry dealers' licenses and applications therefor. Said board has prescribed forms of blanks for report of fines and forfeitures collected, poultry dealer's license, and application for such license.¹³²

The books and accounts of the clerk are examined, from time to time without notice, by the state examiner. Before the creation of the office of state examiner in 1909, the judge of the circuit court examined the clerk's office on the first day of every term of such court, and reported in writing to the board of commissioners showing the manner in which the books and papers of the clerk's office were kept.¹³³

OFFICIAL BONDS

(See also entries 503-508)

47. RECORD OF OFFICIAL BONDS, 1853-. 3 vols. (1 vol. not numbered, 2, 3).

Record of bonds posted by county, township and city officials, showing date, amount and condition of bond, title and term of office, names of official and sureties, and dates of approval and recording. Also contains: Record of Notarial, Justice's and Constable's Bonds, 1853-81, entry 54. Arr. chron. by dates of bonds. Indexed alph. by names of officials; for separate index, 1899-1916, see entry 48. Hdw. and typed. 600 pp. 18 x 12 x 2½. Clk. rec. rm.

48. OFFICIAL BOND INDEX RECORD, 1899-1916. 1 vol. (1). Partial index to Record of Official Bonds, entry 47; Notarial Bond Record, 1901-16, entry 51; Record of Justice of the Peace and Constable's Bonds, 1910-16, entry 53; Record of Notarial, Justice's and Constable's Bonds, 1899-Jan. 3, 1910, entry 54; Recognizance Bond Record, entry 199; Record of Administrator's Bonds and Oaths, entry 215; Record of Executor's Bonds and Oaths, entry 216; Guardians' Bonds and Letters, entry 217;

¹³² Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹³³ 2 Rev. Stat. 1852; Burns 49-2720; Baldwin 1439. Acts 1909, 1915; Burns 60-201, 60-211;

Baldwin 13854, 13862.

showing date and kind of bond, name of surety, and volume and page reference to recording. Arr. alph. by names of sureties. Hdw. 588 pp. 18 x 12 x 2½. Clk. rec. rm.

49. OFFICIAL BONDS, 1851-. 8 f. b. Title varies: Deputy Sheriff's J. P. Bond, 1851-1910, 1 f. b.

Original bonds posted by county, township, and city officials, showing date, amount and conditions of bond, names of official and sureties, title and term of office, and date of filing. Arr. chron. by dates of filing. No index. 11 x 5 x 14. Clk. rec. rm.

50. REGISTER OF OFFICIAL BONDS, 1852-. 3 vols. (2 vols. not numbered, 2).

Register of bonded county and township officials, showing name and rank of official, dates of commission or appointment, qualification, expiration of term and resignation, amount of bond, and names of sureties. 1852-Sept. 3, 1873, Nov. 28, 1898-, arr. alph. by names of officials; Sept. 4, 1873-June 14, 1899, arr. by twps., thereunder alph. by names of officials. No index. Hdw. 600 pp. 18 x 12 x 2½. Clk. rec. rm.

51. NOTARIAL BOND RECORD, 1901-. 3 vols. (4-6). 1882-1900 in Record of Notarial, Justice's and Constable's Bonds, entry 54.

Record of bonds posted by notaries public, showing date, amount and conditions of bond, names of notary and sureties, and dates of approval and recording. Arr. chron. by dates of bonds. Indexed alph. by names of notaries; for separate index, 1901-16, see entry 48. Hdw. 380 pp. 16 x 11 x 2. Clk. rec. rm.

52. NOTARY BONDS, 1853-. 2 f. b.

Original bonds posted by notaries public, showing dates of bond and filing, names of notary and sureties, amount and conditions of bond, and term of commission. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

53. RECORD OF JUSTICE OF THE PEACE AND CONSTABLE'S BONDS, 1910-. 1 vol. (4). 1882-Jan. 3, 1910 in Record of Notarial, Justice's and Constable's Bonds, entry 54.

Record of bonds posted by justices of the peace and constables, showing date, amount, type and conditions of bond, names of principal and sureties, term of office, and dates of approval and filing. Arr. by types of bonds, thereunder chron. by dates of bonds. Indexed alph. by names of principals; for separate index, 1910-16, see entry 48. Hdw. 600 pp. 18 x 12 x 2½. Clk. rec. rm.

54. RECORD OF NOTARIAL, JUSTICE'S AND CONSTABLE'S BONDS, 1882-Jan. 3, 1910. 2 vols. (2, 3). 1853-81 in Record of Official Bonds, entry 47.

Record of bonds posted by notaries public, justices of the peace and constables, showing date, amount, type and condition of bond, names of principal and sureties, term of office or commission, and dates of approval and filing. This is a combination of two records later kept separately; Notarial Bond Record, 1901-, entry 51; Record of Justice of the Peace and Constables Bonds, 1910-, entry 53. Arr. by types of bonds, thereunder chron. by dates of bonds. Indexed alph. by names of principals; for separate index 1899-Jan. 3, 1910, see entry 48. Hdw. 600 pp. 18 x 12 x 2½. Clk. rec. rm.

LICENSES AND CERTIFICATES

MARRIAGE (see also entries 8, 588)

55. MARRIAGE RECORD, 1851-. 31 vols. (1-31).

Record of marriage licenses and certificates of return 1851-, and applications 1905-, showing dates of license, marriage, certificate of return and application, name and title of person officiating, names, ages, color, date and place of birth, and occupations of bride, groom, and parents, marital status of bride and groom, and names of witnesses. Arr. chron. by dates of licenses. 1851-90, indexed alph. by names of grooms; 1891-, indexed alph. by names of brides and grooms. Hdw. 590 pp. 18 x 12 x 3. Clk. rec. rm.

56. MARRIAGE [Documents], 1852-. 33 f. b.

Original marriage documents including:

- i. Certificates of marriage return, showing dates of certificate, marriage and filing, and names of bride, groom and person officiating.
- ii. Authorizations, statements authorizing issuance of marriage licenses to minors, showing dates of authorization and filing, name and age of minor, and name of parent or guardian.
- iii. Affidavits, 1852-1905, affidavits of residence and lawful age of applicants for marriage license, showing dates of affidavit and filing, names of applicant and affiant, and volume and page reference to Marriage Record, entry 55.
- iv. Applications, 1905-, applications for marriage licenses, showing dates of applications, license and filing, names, addresses, color, date and place of

birth, and occupations of bride, groom and parents, marital status of bride and groom, names of witnesses, and volume and page reference to Marriage Record, entry 55. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

PHYSICIANS

57. PHYSICIAN'S CERTIFICATE, LICENSE AND STATEMENT, 1885-. 3 vols. (2 vols. not numbered, 2). Title varies: Physician's Certificate, 1885-96, 1 vol.; Physician's Register, 1897-1905, 1 vol.

Record of licenses issued to physicians to practice in county upon presentation of certificate issued by state board of medical registration and examination, showing dates of certificate and license, name and address of medical college attended, name, age, address and birthplace of physician, certificate number, and statement of qualifications. Also contains: Drugless Physicians' License Record, 1897-1927 and also part of 1928-34, entry 61; Record of Dentist's License, 1895-98, entry 62. Arr. chron. by date of licenses. Indexed alph. by names of physicians. Hdw. 292 pp. 18 x 12 x 1½. Clk. rec. rm.

58. MISCELLANEOUS [Instruments], 1852-. 11 f. b. (1-11). Miscellaneous instruments filed in clerk's office, including:

- i. Drugless physicians' certificates issued by state board of medical registration and examination and presented to clerk to obtain licenses to practice osteopathy, chiropractic or drugless healing in county 1923-, showing dates of certificate and filing, name and address of physician, and name of school attended.
- ii. Dentist's certificates issued by state board of dental examiners and presented to clerk to obtain licenses to practice dentistry in county 1904-9, showing dates of certificate and filing, name and address of dentist, certificate number, and name of dental college attended.
- iii. Optometry certificates issued by state board of registration and examination in optometry and presented to clerk to obtain license to practice optometry in county 1924-, showing dates of certificate and filing, name and address of optometrist, and certificate number.

- iv. Freeholders' affidavits certifying five year's prior practice in county submitted by applicants for veterinary licenses 1900-1905, showing dates of application and filing, name and qualifications of applicant, and names of witnesses.
- v. Original bonds posted by petty money lenders 1913-16, showing dates of application, bond and filing, names of principal and sureties, and amount and conditions of bond.
- vi. Affidavits made by board of public welfare of appointments and authorizations of employees of the department of public welfare to administer oaths and carry out provisions of the Welfare Act 1936-, showing dates of affidavit and filing, names of employees and members of board, terms of authorization, and oath of employee.
- vii. Original documents filed in civil and criminal causes, showing information as in entry 150.
- viii. Original documents filed in probate causes, showing information as in entry 212.

Also contains: Physicians' Application for Licenses, 1916-, entry 59; Nurses' Certificates, 1905-34, entry 65; Applications for Junk Dealer's Licenses, 1905-28, entry 68; Applications for Poultry License, 1920-28, entry 70; Statement for License for Improved Stock Sire, 1891-1910, entry 76; Applications for Resident Hunter's Licenses, 1911-25, entry 81; Certificates of Firms and Partnerships, 1913-35, entry 85; Power of Attorney, 1859-1919, entry 88; Facts for Declaration of Intention, [Naturalization Documents], 1852-75, entry 160; Recognizance Bonds, 1893-95, 1900, 1910-12, 1927, entry 200; Receipts for Change of Venue, 1890-1931, entry 250; [Certificates of Election], 1860-1914, entry 535. No orderly arr. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

- 59. PHYSICIANS APPLICATIONS FOR LICENSE, 1884-1915. 1 f.b. 1916- in Miscellaneous [Instruments], entry 58.

Certificates issued by state board of medical registration and examination and presented to clerk to obtain licenses to practice medicine, surgery and obstetrics in county, showing dates of certificate and filing, name and address of physician, name of medical college attended, and subjects in which qualified. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

60. REGISTER OF PHYSICIANS & ACCOUCHEURS, 1881-85. 1 vol. Register of physicians and accoucheurs practicing in county, showing date of registry, name and address of physician or accoucheur, and statement of qualifications. Arr. alph. by names of physicians and accoucheurs. No index. Hdw. 125 pp. 14 x 9 x 1½. Attic stor. rm.

61. DRUGLESS PHYSICIANS LICENSE RECORD, 1928-. 1 vol. 1897-1927 and also part of 1928-34 in Physicians Certificate, License and Statement, entry 57. Record of licenses issued to drugless physicians to practice in county upon presentation of certificates issued by state board of medical registration and examination, showing dates of license, certificate, diploma and birth of physician, name and birthplace of physician, name and address of college attended, certificate number, and kind of practice. Arr. chron. by dates of licenses. Indexed alph. by names of physicians. Hdw. 268 pp. 16 x 12 x 1½. Clk. rec. rm.

For original certificates 1923-, see entry 58i.

DENTISTS

62. RECORD OF DENTIST'S LICENSE, 1899-. 1 vol. 1895-98 in Physicians' Certificate, License and Statement, entry 57.

Record of licenses issued to dentists to practice in county upon presentation of certificates issued by state board of dental examiners, showing dates and numbers of certificate and license, and name, age, date and place of birth, and business address of dentist. Arr. chron. by dates of licenses. Indexed alph. by names of dentists. Hdw. 142 pp. 16 x 11 x 1. Clk. rec. rm.

For original certificates 1904-9, see entry 58ii.

OPTOMETRISTS

63. OPTOMETRY RECORD, 1907-. 1 vol.

Record of licenses issued to practice optometry in county upon presentation of certificates issued by state board of registration and examination in optometry, showing dates of certificate and license, name of optometrist, and number and duration of certificate. Arr. chron. by dates of licenses. Indexed alph. by names of optometrists. Hdw. 140 pp. 14 x 8 x 1. Clk. rec. rm.

For original certificates 1924-, see entry 58iii.

NURSES

64. REGISTER OF TRAINED NURSES, 1905-. 1 vol.

Register of graduate nurses licensed to practice in county,

showing date of registration, name and address of nurse, and certificate number. Arr. alph. by names of nurses. No index. Hdw. 150 pp. 14 x 9 x 1. Clk. rec. rm.

65. NURSES' CERTIFICATE, 1934-. 1 f. b.

1905-34 in Miscellaneous [Instruments], entry 58.

Certificates issued by state board of examination and registration of nurses and presented to clerk to obtain licenses to practice nursing in county, showing dates of certificate and filing, name and address of nurse, and certificate number. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

VETERINARIES

66. VETERINARY RECORD, 1901-05. 1 vol. License issued by state board of veterinary medical examiners 1905-19; by veterinary examining board May 15, 1919-.

Register of licenses issued by clerk upon presentation of diplomas from veterinary colleges or freeholders' affidavits certifying five years former practice, showing dates of license and diploma or affidavit, and names of veterinary and college attended. Arr. chron. by dates of licenses. Indexed alph. by names of veterinaries. Hdw. 148 pp. 16 x 11 x 1. Clk. rec. rm.

For freeholders' affidavits 1900-1905, see entry 58 iv.

COMMERCIAL

67. RECORD OF JUNK DEALERS' LICENSE, 1905-. 1 vol.

Record of licenses issued to purchase junk in county, showing date and duration of license, name of dealer, and location of business. Arr. chron. by dates of licenses. Indexed alph. by names of dealers. Hdw. 180 pp. 14 x 9 x 1. Clk. rec. rm.

68. APPLICATIONS FOR JUNK DEALER'S LICENSE, 1929-. 1 f. b.
1905-28 in Miscellaneous [Instruments], entry 58.

Applications for licenses to purchase junk in county, showing dates of application and filing, name of applicant, location of business, and duration of license. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

69. RECORD OF POULTRY DEALERS' LICENSE, 1920-. 2 vols.
(1, 1).

Record of applications for and issuances of licenses to purchase poultry in state, showing dates of application and license, names of applicant and dealer, location of business, and duration of license. Arr. chron. by dates of licenses. Indexed alph. by names of dealers. Hdw. 250 pp. 11 x 9 x 1. Clk. rec. rm.

70. APPLICATIONS FOR POULTRY LICENSES, 1929-. 1 f.b.
1920-28 in Miscellaneous [Instruments], entry 58.

Applications for licenses to purchase poultry in state, showing dates of application and filing, names of applicant and dealer, location of business, and duration of license. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

71. PETTY MONEY LENDER'S LICENSE, 1913-16. 1 vol. 1917-Apr. 14, 1933 licenses issued by auditor of state; Apr. 15, 1933- licenses issued by department of audit and control.

Stubs of petty money lenders' licenses, showing dates of license and expiration, name and location of business, license number, and name and address of bonding company. Arr. chron. by dates of licenses. No index. Hdw. 50 pp. 10 x 16 x 1/2. Clk. off.

For original petty money lenders' bonds, see entry 58v.

72. PATENTS, 1869-. 1 f.b.

Certified copies of letters patent, showing date and number of letters patent, name of patentee, name and description of article patented, and date of filing. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

73. REGISTER OF INSURANCE CERTIFICATES, 1875-79, 1890-1920. 1 vol. 1880-89 in Order Book, Civil, entry 173. Discontinued. Agent's license as now issued by state is valid in every county.

Register of certificate issued by auditor of state to agents of foreign insurance companies authorizing them to transact their business in county, showing date of filing, name of agent, and name and address of company. Arr. chron. by dates of filing. No index. Hdw. 250 pp. 14 x 9 x 1 1/2. Clk. rec. rm.

74. INSURANCE PAPERS, 1865-1920. 32 f.b. Discontinued. Agent's license as now issued by state is valid in every county.

Certificates issued by auditor of state granting authority to agents of insurance companies incorporated in states other than Indiana to transact business for insurance companies in county, with financial statements of companies attached, showing dates of certificate, expiration and filing, names and addresses of agent and company, certificate number, and statement of assets and liabilities of company. Arr. chron. by dates of filing. No index. Hdw. 9 x 4 x 10. Attic stor. rm.

75. SIRE LICENSE RECORD AND ESTRAY RECORD, 1898-1906. 1 vol. Transferred to stallion enrollment board 1914. Transcripts of affidavits presented to clerk to obtain improved stock sire licenses, 1899-1904, showing date of affidavit, names and addresses of owner and affiant, name, age, birth date, description, and pedigree and registration number of sire. Also contains: Estray Record, 1898-1906, entry 90. Arr. chron. by dates of affidavits. Indexed alph. by names of owners. Hdw. 590 pp. 18 x 13 x 2½. Attic stor. rm.

76. STATEMENT FOR LICENSE FOR IMPROVED STOCK SIRE, 1892-1913. 1 f.b. 1891-1910 also in Miscellaneous [Instruments], entry 58.

Original statements for licenses for improved stock sires, showing dates of statement, license and filing, name of owner, and name, birth date, description, registry number, pedigree and breeding record of sire. Also contains: Estrays, 1892-1901, entry 91. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

FIREARMS

77. [PERMIT TO CARRY FIREARMS], 1925-. 8 vols. (1-8). Stubs and duplicates of permits issued to carry firearms, showing date and number of permit, name, address, date and place of birth and description of person granted permit, description of firearm, and reason for issuance and duration of permit. 1925-Feb. 8, 1929, arr. chron. by dates of permits; Feb. 10, 1929-, arr. num. by permit nos. No index. Hdw. 50 pp. 7 x 9 x ½. Clk. off.

78. APPLICATION FOR FIREARM PERMIT, 1925-. 1 f.b.

Original documents pertaining to firearms, including:

- i. Applications for firearm permits, showing date and number of application, date of filing, name, age, address and description of applicant, description of firearm, reason for issuance, and duration of permit. Arr. chron. by dates of filing.
- ii. Dealers' reports of sale and purchase of revolvers, 1925-32, showing dates of sale, report and filing, name of dealer, name, address, age, birthplace and nationality of purchaser, make, model, calibre and serial number of revolver, and report number. Arr. num. by report nos. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

HUNTING AND FISHING

79. [HUNTING, FISHING AND TRAPPING LICENSES], 1913-19, 1933-.
401 vols.

Stubs of resident hunting and fishing licenses, 1913-19, hunting, fishing and trapping licenses, 1933-, showing date, number and duration of license, and name, age, address and description of licensee. Arr. num. by license nos. No index. Hdw. 25 pp. 5 x 9 x ½. 105 vols., 1913-19, attic stor. rm.; 296 vols., 1933-, clk. off.

80. [FREE PERMIT TO HUNT, FISH AND TRAP WITHOUT LICENSE], 1925-. 17 vols.

Stubs of annual and permanent free permits to hunt, fish and trap without license issued to veterans, showing date and number of permit, name, address, age and description of veteran, and branch of service and war served in. Arr. num. by permit nos. No index. Hdw. 50 pp. 2 x 6 x ½. 8 vols., 1925-30, attic stor. rm.; 9 vols., 1931-, clk. off.

81. APPLICATION FOR RESIDENT HUNTER'S LICENSES, 1907-10.
1 f. b. 1911-25 in Miscellaneous [Instruments],
entry 58.

Applications for resident hunting licenses, showing date of filing, and name, age, address and description of applicant. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

82. [HUNTING AND FISHING LICENSE REPORT], 1933-. 1 f. d.
Copies of monthly reports of licenses issued, submitted by clerk to director of division of fish and game, showing date of report, kinds of licenses issued, inventory of licenses sold and on hand at beginning and end of month, total fees collected, and amount of fees belonging to state remitted with report. Also contains: [Clerk's Report of Fees Collected], 1934-, entry 102. Arr. chron. by dates of reports. No index. Typed. 15 x 13 x 26. Clk. off.

83. LEDGER [Hunting and Fishing License Record], 1934-.
Record of books of hunting, fishing and trapping licenses placed with agents by clerk and record of payments received, showing dates of placement and payment, name of agent, and kinds and numbers of licenses placed. Arr. chron. by dates of placements. No index. Hdw. 188 pp. 10 x 6 x 1. Clk. off.

BUSINESS ASSOCIATIONS

84. REGISTER OF FIRMS AND PARTNERSHIPS, 1909-. 1 vol.
Register of persons engaged in business under names other than

their own, showing date of filing certificate, name of firm or partnership, names and addresses of members, and nature and location of business. Arr. alph. by names of firms and partnerships. No index. 150 pp. 14 x 9 x 1. Clk. rec. rm.

85. CERTIFICATES OF FIRMS AND PARTNERSHIPS, 1909-12, 1933-.

1 f.b. 1913-32, also 1933-35 in Miscellaneous [Instruments], entry 58.

Certificates filed by persons doing business as firms or partnerships under names other than their own, showing dates of certificate and filing, name of firm or partnership, names and addresses of members, nature and location of business, and certificate number. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

MILITARY

86. NUMERATION OF SOLDIERS, 1919-22. 1 f.b.

Lists of persons living in various townships of Clay County who have served one or more enlistments in the army, navy, or national guard, compiled annually by township assessors, showing dates of enumeration and filing, name, age and address of veteran, name of state from which enlisted, and company, regiment, battery, branch of service and war served in. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

87. ENROLLMENT OF SOLDIERS, THEIR WIDOWS AND ORPHANS, 1886, 1890, 1894. 23 vols.

Record of enrollment of soldiers, their widows and orphans of the armies of 1812 and 1861, showing name, address, rank, company, regiment, nature of service, and physical and financial history of soldier, name of wife or widow, and number of male and female children. Arr. alph. by names of townships, thereunder alph. by names of soldiers. No index. Hdw. 24 pp. 16 x 10 x 1/2. Attic stor. rm.

MISCELLANEOUS

88. POWER OF ATTORNEY, 1920-. 1 f.b. 1859-1919, in Miscellaneous [Instruments], entry 58.

Certificates of authorization of power of attorney issued by individuals and corporations, showing dates of issue and filing, names and addresses of principal and agent, nature of business and limitations of power. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

For other power of attorney records, see entry 133v.

89. CRIMINAL [Committee Treasurers' Statements], 1934-.

1 f.b.

Statements of receipts and disbursements filed with clerk of circuit court by treasurers of county central committees of political parties, showing dates of statement, receipt, disbursement and filing, names of payer and payee, amounts of receipt and disbursement, purpose of disbursement, and total receipts and disbursements. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Clk. rec. rm.

90. ESTRAY RECORD, 1851-96. 2 vols. 1898-1906 in Sire License Record and Estray Record, entry 75.

Transcripts of notices of finding and taking up of estrayed animals reported to clerk by justices of peace, appraisers' reports and sheriffs' returns of sales, showing dates of finding, posting notice and filing, name and address of finder, names of appraisers, description, appraised valuation and cost of keeping animal, and sheriff's return. Arr. chron. by dates of filing. 1851-Dec. 8, 1868, 1898-1906, no index. Dec. 9, 1868-96, indexed alph. by names of finders. Hdw. 432 pp. 14 x 8 x 1½. 1 vol., 1851-Nov. 3, 1868, attic stor. rm.; 1 vol., Dec. 9, 1868-96, clk. rec. rm.

91. ESTRAYS, 1851-85. 1 f.b. 1892-1901 in Statement for License for Improved Stock Sire, entry 76.

Estray notices filed with clerk by justices of peace, showing dates of notice, finding and filing, names of finder and appraisers, appraisers' fees, and description and appraised valuation of estrayed animal. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

RECEIPTS AND DISBURSEMENTS

92. CLERK'S DAILY BALANCE BOOK AND CASH STATEMENT, 1912-Apr. 12, 1929, 1937-. 11 vols. (1-9, 2 vols. not numbered).

Record of daily balances and cash statements, showing date of balance, name of fund, balances in fund and depository at beginning and close of day, and totals, and amounts of cash in drawer and depositories. Arr. chron. by dates of balances. No index. Hdw. 638 pp. 12 x 10 x 2. 9 vols. 1912-Apr. 12, 1929, attic stor. rm.; 2 vols., 1937-, clk. off.

93. LEDGER [of Receipts], 1923-35. 3 vols. Title varies: Cash Book, 1923-Nov. 16, 1928, 1 vol.; Day Book, Nov. 17, 1928-Dec. 10, 1932, 1 vol.

Daily record of cash receipts, showing date and amount of

receipt, name of payer, nature of receipt, and total receipts. Arr. chron. by dates of receipts. No index. Hdw. 16 x 17 x 1½. Clk. rec. rm.

94. CASH BOOK OF RECEIPTS AND DISBURSEMENTS, 1925-. 3 vols. (3-5).

Daily record of receipts and disbursements, showing dates and amounts of receipt and disbursement, names of payer, payee and fund, receipt, check and cause numbers, total receipts and disbursements, balance, and nature of receipt or disbursement. This record is a combination of two records formerly kept separately: Cash Book of Receipts, 1912-Mar. 31, 1925, entry 95i, Cash Book of Disbursements, 1912-Mar. 31, 1925, entry 96. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 316 pp. 18 x 17 x 3. 2 vols., 1925-Dec. 21, 1936, clk. rec. rm.; 1 vol., Dec. 23, 1936-, clk. off.

95. CASH BOOK OF RECEIPTS, 1912-Mar., 1925. 2 vols. (1, 2).

1871-1911 in Cash Book, entry 97. Apr. 1925- in Cash Book of Receipts and Disbursements, entry 94. Ledger of receipts, showing date, amount, and nature of receipt; names of payer and fund credited, cause number, and monthly total of receipts, disbursements, and balance. Arr. chron. by dates of receipts. No index. Hdw. 320 pp. 17 x 19 x 2½. Clk. rec. rm.

96. CASH BOOK OF DISBURSEMENTS, 1912-Mar., 1925. 2 vols.

(1, 2). 1871-1911 in Cash Book, entry 97; Apr. 1925- in Cash Book of Receipts and Disbursements, entry 94. Daily record of disbursements, showing date, amount, and nature of disbursement, names of payee, fund debited, and bank on which check is drawn, and check number. Arr. chron. by dates of disbursements. No index. 239 pp. 17 x 14 x 2. Clk. rec. rm.

97. CASH BOOK, 1871-1911. 11 vols. Title varies: Journal 1871-76, 1 vol.

Daily record of all receipts and disbursements, showing dates and amounts of receipt and disbursement, names of payer, payee and fund, nature of receipt, and total receipts and disbursements. This record is a combination of two records later kept separately: Cash Book of Receipts, 1912-Mar. 1925, entry 95; Cash Book of Disbursements, 1912-Mar. 1925, entry 96. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 18 x 13 x 2. 9 vols., 1876-Oct. 1908, attic stor. rm.; 1 vol., Nov. 17, 1908-11, clk. rec. rm.

98. REGISTER OF FEES AND FUNDS HELD IN TRUST, 1912-. 2 vols. (1, 2).

Daily record of receipts and disbursements of fees and funds

held in trust pending proper disbursement, showing dates and amounts of receipts and disbursements, names of plaintiff, defendant, and payee, and cause and check numbers. Arr. alph. by names of payees, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 319 pp. 18 x 12 x 3. Clk. rec. rm.

99. REGISTER OF WITNESS AND OTHER FEES, 1873-1903. 1 vol. Register of witness and other fees disbursed in court causes, showing dates and amounts received and disbursed, for whom paid, and title and number of cause. Arr. alph. by names of payees. No index. Hdw. 18 x 12 x 1. Attic stor. rm.

100. SUPPORT DOCKET, 1912-. 4 vols. (1-4). Record of money received and disbursed in support and alimony causes, showing date of court order, dates and amounts received and disbursed, title of cause, names of payer and payee, cause and check numbers, and volume and page reference to Order Book, Civil, entry 173; Index to Judgments [Judgment Docket], entry 175. 1912-38, arr. chron. by dates of court orders; 1939-, arr. alph. by names of payees. 1912-38, indexed alph. by names of payers; 1939-, no index. Hdw. 296 pp. 16 x 11 x 2. 2 vols. 1912-Aug. 20, 1932, clk. rec. rm. 2 vols., Aug. 24, 1932-, clk. off.

101. [SUPPORT DOCKET CASH BOOK], 1929-35. 2 vols. Discontinued. Daily record of receipts and disbursements of support and alimony payments, showing cause and check numbers, date of payment, amounts of receipts and disbursements, and volume and page reference to Support Docket, entry 100. Arr. chron. by dates of payments. No index. Hdw. 175 pp. 12 x 8 x 1. Clk. off.

102. [CLERK'S REPORT OF FEES COLLECTED], 1934-. In [Hunting and Fishing License Report], entry 82. Copies of clerk's monthly reports to auditor of fees collected, showing date of report, kind of fees collected, and amounts of each kind and total fees collected.

103. [CANCELLED CHECKS AND STUBS], 1937-. 43 bdl., 1 vol. Cancelled checks and stubs of checks drawn on depositories for disbursement of funds in clerk's custody, showing date, amount and number of check, names of depository and payee, and purpose of disbursement. Arr. num. by check nos. No index. Hdw. 10 bdl., 9 x 5 x 1; 33 bdl., 2 x 6 x 1; vol. 150 pp. 9 x 5 x 1. Clk. off.

104. OLD CANCELLED CHECKS OF RALPH MCQUEEN, 1929-32.

1 f.b.

Original checks issued by clerk of circuit court and paid by depository, showing dates of issue and cancellations, names of payee and depository, and number and amount of check. Arr. chron. by dates of issue. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

MAPS

105. BRAZIL AND CLAY COUNTY, 1934. 1 map.

Political and communication map of Brazil and Clay County, showing state and county roads, railroads, bridges, townships, and precinct and district numbers. Drawn by E. J. Shawnick, Brazil, Ind. Black and white. Scale: 1½" to 1 mi. 29" x 51". Clk. off.

IV. RECORDER

The recorder is a constitutional officer, elected for a four-year term by the voters of the county. The office was created by the Constitution of 1816 and re-created by the Constitution of 1851. Under the Constitution of 1816, the recorder was elected for a seven-year term by the voters of the county.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ No person is eligible to the office for more than eight years in any twelve-year period.⁴ The recorder must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding said office, he must reside within the county, must not hold any other lucrative office,⁶ and must not prac-

¹ Const. 1816, art. 11, sec. 10. Const., art. 6, sec. 2. Acts 1816-17, ch. 19, sec. 1. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469.

² Const. 1816, art. 11, sec. 9. Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2. (1860) Carson v. McPhetridge, 15 Ind. 327.

⁵ Const. 1816, art. 11, sec. 14. Const., art. 6, sec. 4.

⁶ Const. 1816, art. 11, secs. 6, 13. Const., art. 2, sec. 9; art. 6, sec. 6.

tice law.⁷ Under the Constitution of 1816, the offices of recorder and clerk of the circuit court could be held simultaneously by one person.⁸ He must post bond in the amount of \$4,000, approved by the board of commissioners and filed with the clerk of the circuit court,⁹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹⁰

The recorder receives a regular salary of \$1,320 per year.¹¹ He is permitted to retain, as compensation for himself, in addition to his regular salary, 20 percent of the fees collected by him, provided the total amount of fees so retained be not more than \$4,680.¹²

For sufficient legal grounds, the recorder may be removed by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹³ If the recorder is convicted of a felony, the judgment of conviction must declare his office vacant.¹⁴

Any vacancy in the office of recorder is filled by appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), a recorder is elected for the remainder of the term in which the vacancy occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take an oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁵

⁷ Acts 1855, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. (1867) *McCracken v. State*, 27 Ind. 491.

⁸ Const. 1816, art. 11, sec. 10. Rev. Stat. 1843, ch. 4, sec. 62.

⁹ Rev. Laws 1831, ch. 77, secs. 2, 3. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1901; Burns 49-3201; Baldwin 5469. (1884) *State ex rel. Lowry v. Davis*, 96 Ind. 539; (1889) *State ex rel. Lowry v. Davis*, 117 Ind. 307, 20 N. E. 159.

¹⁰ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹¹ Acts 1933; Burns 49-1004; Baldwin 7534.

¹² Acts 1933; Burns 49-1001, 49-1005, 49-1009; Baldwin 7531, 7535, 7539. Acts 1933, 1937; Burns, 1939 suppl., 49-1009; Baldwin, 1937 suppl., 7539. (1901) *Shilling v. State ex rel. Board of County Comrs.*, 158 Ind. 185, 62 N. E. 49.

¹³ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹⁴ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁵ Const., art. 6, sec. 9. Rev. Laws 1824, ch. 36, sec. 1. Acts 1881 (Spec. Sess.); Burns

The recorder may appoint one deputy without the approval of the board of commissioners, and may appoint additional deputies and assistants with such approval. The county council fixes the salaries of these deputies and assistants, and their salaries must be not less than \$75 nor more than \$200 per month.¹⁶ The recorder may require any deputy to give bond.¹⁷ The deputies must take the oath required of the recorder, may perform all the official duties of the recorder, and are subject to the same regulations and penalties.¹⁸ The recorder may remove such deputies and assistants at any time, and is responsible for their official acts.¹⁹

Formerly the county treasurer, auditor, and recorder selected petit jurors for the circuit court and common pleas court.²⁰

The recorder records, in specific books and files (other than the miscellaneous record), the following documents: Deeds;²¹ land patents;²² mortgages, and satisfactions, re-

29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. (1835) Hedley v. Board of County Comrs., 4 Blackf. 131; (1869) Douglass v. State ex rel. Wright, 31 Ind. 429. (1883) State ex rel. Ault v. Long, 91 Ind. 351. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁶ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

¹⁷ Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁸ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁹ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²⁰ 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1.

These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

²¹ Acts 1817-18 (general), ch. 28, secs. 1, 10. Acts 1819-20, ch. 65, sec. 2. Rev. Laws 1831; ch. 41, sec. 7; ch. 77, secs. 1, 4. Acts 1836-37 (general), ch. 9, secs. 9-16. Rev. Stat. 1838, ch. 85, sec. 1. Rev. Stat. 1843, ch. 8, sec. 6. 1 Rev. Stat. 1852; Burns 49-3210, 56-118, 56-131; Baldwin 5475, 14664, 14665. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. (1884) Lowry v. Smith, 97 Ind. 466.

Cemetery records. Acts 1925; Burns 21-223; Baldwin 4648. 1 Rev. Stat. 1852; Burns 25-1521, 25-1522; Baldwin 10600, 10602.

Wabash and Erie Canal deeds. Acts 1881 (Spec. Sess.); Burns 2-1626; Baldwin 267.

Deeds of commissioners appointed by court to make conveyance. Acts 1881 (Spec. Sess.); Burns 3-1008; Baldwin 894.

Tax deeds. Acts 1881 (Spec. Sess.), ch. 96, sec. 211.

Deeds connected with school fund loans. Acts 1899; Burns 28-255; Baldwin 6607.

²² "May be recorded as other deeds and conveyances." Acts 1881; Burns 2-1632; Baldwin

leases, and assignments thereof;²³ maps and plats;²⁴ decrees quieting title to lands;²⁵ farm names;²⁶ marks and brands of animals;²⁷ and old-age assistance awards.²⁸ Formerly he kept newspapers on file²⁹ and recorded, in specific books, the following documents: Leases of lands;³⁰ statutory liens of laborers, materialmen,³¹ and owners of stallions;³² and the

²³ Acts 1817-18 (general), ch. 28, sec. 1. Acts 1825-26, ch. 42, sec. 17. Rev. Laws 1831, ch. 41, sec. 7; ch. 77, sec. 1. Rev. Stat. 1838, ch. 85, sec. 9. Rev. Stat. 1843, ch. 8, sec. 6. Acts 1909, 1917, 1923; Burns 2-617; Baldwin 61-2 (repealed by Acts 1937, ch. 97, sec. 4). Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1905; Burns 49-3202, 49-3204; Baldwin 5476, 5473. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671. 1 Rev. Stat. 1852; Burns 56-122; Baldwin 14673. 2 Rev. Stat. 1852; Burns 56-705, 56-708; Baldwin 989, 992. Acts 1901; Burns 56-709, 56-710; Baldwin 993, 994. Acts 1925; Burns 56-712, 56-713; Baldwin 10575, 10576. 2 Rev. Stat. 1852, Acts 1877; Burns 56-715; Baldwin 996. Acts 1877; Burns 56-716; Baldwin 998. Acts 1899; Burns 56-717; Baldwin 997. (1881) Anderson Build. & L. Sav. Assn. v. Thompson, 87 Ind. 278; (1884) Mechanics' Build. Assn. v. Whitacre, 92 Ind. 547; (1891) Chandler v. Scott, 127 Ind. 226, 26 N. E. 797; (1894) State ex rel. McCoy v. Krost, 140 Ind. 41, 39 N. E. 46.

Chattel mortgages. Rev. Stat. 1838, ch. 85, sec. 1. 1 Rev. Stat. 1852, Acts 1897; Burns 33-301, 33-302; Baldwin 8373, 8374 (first section repealed by Acts 1935, ch. 147, sec. 20). Acts 1935; Burns, 1939 suppl., 51-504 to 51-517; Baldwin, 1935 suppl., 13227-4 to 13327-17. Conditional bills of sale are recorded with the chattel mortgages.

School fund loans. Acts 1836-37 (general), ch. 2, sec. 10. Acts 1865; Burns 28-233; Baldwin 6583. (1885) Stockwell v. State ex rel. Johnson, 101 Ind. 1.

Mortgages held by county agent. Rev. Stat. 1838, ch. 89, sec. 15.

²⁴ Rev. Laws 1831, ch. 77, sec. 7. Acts 1881 (Spec. Sess.); Burns 6-1127; Baldwin 3168. Acts 1925; Burns 21-219 to 21-221, 21-225, 21-226, 21-228; Baldwin 4644 to 4646, 4650, 4651, 4653. 1 Rev. Stat. 1852; Burns 25-1522; Baldwin 10602. Acts 1905; Burns 48-801, 48-802; Baldwin 12473, 12474. 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

²⁵ Acts 1911; Burns 3-1409; Baldwin 968.

²⁶ Acts 1913; Burns 49-3226 to 49-3230; Baldwin 5488 to 5492.

²⁷ Acts 1835-36 (general), ch. 24, sec. 1. 1 Rev. Stat. 1852; Burns 49-3231; Baldwin 5474.

²⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

²⁹ 1 Rev. Stat. 1852; Burns 26-627; Baldwin 5286.

³⁰ 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

Miscellaneous record specified. Acts 1897; Burns 56-120.

³¹ Rev. Stat. 1838, ch. 69, sec. 7. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 650, p. 182. Acts 1867, ch. 36, sec. 2. Acts 1883, ch. 115, sec. 4. Acts 1909; Burns 43-703, 43-704; Baldwin 10507, 10508. (1901) State ex rel. Lyons v. Phillips, 157 Ind. 481, 62 N. E. 12.

Corporation employees. Acts 1877 (Spec. Sess.); Burns 43-302; Baldwin 10547.

³² Acts 1889, ch. 116, sec. 4. Acts 1913, 1933; Burns 16-910; Baldwin 3793.

official bonds of the coroner, sheriff, and commissioner of school lands.³³

The recorder keeps a miscellaneous record in which he records the following documents: Leases of lands;³⁴ powers of attorney;³⁵ surveys locating a meridian line;³⁶ leases of rolling stock and equipment of railroads;³⁷ statutory liens of laborers, materialmen,³⁸ transfermen,³⁹ and owners of stallions;⁴⁰ probated wills;⁴¹ surveyor's field notes;⁴² fence marks;⁴³ official bonds of the clerk of the circuit court;⁴⁴ limited partnerships;⁴⁵ statutory statements of express companies;⁴⁶ indentures of apprentices;⁴⁷ notices of disputes of

³³ Acts 1816-17, ch. 13, sec. 3. Rev. Laws 1824, ch. 100, sec. 3. Acts 1828-29, ch. 84, sec. 8. Rev. Stat. 1843, ch. 4, sec. 89. All of these laws were repealed by 1 Rev. Stat. 1852, ch. 92, sec. 1.

³⁴ 1 Rev. Stat. 1852; Burns 56-118; Baldwin 14664. 1 Rev. Stat. 1852, Acts 1875, 1913, 1921, 1923; Burns 56-119; Baldwin 14671.

Miscellaneous record specified. Acts 1897; Burns 56-120.

³⁵ Acts 1881 (Spec. Sess.), 1891; Burns 2-2519; Baldwin 391. Acts 1883; Burns 49-1309, 56-108, 56-109; Baldwin 14733, 14729, 14732. 1 Rev. Stat. 1852; Burns 56-106, 56-107, 56-137; Baldwin 14730, 14731.

³⁶ Acts 1895; Burns 49-3327 to 49-3329; Baldwin 10849 to 10851.

³⁷ Acts 1891; Burns 55-3716 to 55-3718; Baldwin 15449 to 15451.

³⁸ Rev. Stat. 1838, ch. 69, sec. 7. 2 Rev. Stat. 1852, pt. 2, ch. 1, sec. 650, p. 182. Acts 1867, ch. 36, secs. 2. Acts 1883, ch. 115, sec. 4. Acts 1909; Burns 43-703, 43-704; Baldwin 10507, 10508. (1901) State ex rel. Lyons v. Phillips, 157 Ind. 481, 62, N. E. 12.

Corporation employees. Acts 1877 (Spec. Sess.); Burns 43-302; Baldwin 10547.

³⁹ Acts 8921, 1929; Burns 43-1002, 43-1003; Baldwin 10529, 10530.

⁴⁰ Acts 1889, ch. 116, sec. 4. Acts 1913, 1933; Burns 16-910; Baldwin 3793.

⁴¹ Miscellaneous record not specified. Acts 1891; Burns 7-712; Baldwin 3413.

Wills probated in another county should be recorded in the deed record. Acts 1933; Burns 7-713; Baldwin 3414.

⁴² Acts 1828-29, ch. 94, sec. 1. Rev. Laws 1831, ch. 102, sec. 7. Rev. Stat. 1843, ch. 10, secs. 10, 11. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁴³ Acts 1877 (Spec. Sess.); Burns 30-510; Baldwin 7630.

⁴⁴ Rev. Laws 1831, ch. 15, sec. 5. Rev. Stat. 1838, ch. 17. Rev. Stat. 1843, ch. 4, sec. 89. 1 Rev. Stat. 1852; Burns 49-106; Baldwin 13066.

⁴⁵ Such documents are required to be recorded "in a book to be kept for that purpose." Rev. Stat. 1843, ch. 32, sec. 4. Acts 1859; Burns 50-104, 50-106, 50-112; Baldwin 13195, 13197, 13209.

⁴⁶ Acts 1879 (Spec. Sess.); Burns 55-4102; Baldwin 14401.

⁴⁷ Rev. Laws 1831, ch. 69, sec. 7. Rev. Stat. 1838, ch. 4, sec. 2. 1 Rev. Stat. 1852; Burns 49-3210; Baldwin 5475.

The law requires a separate record to be kept. *Ibid.*

easements;⁴⁸ inheritance tax receipts;⁴⁹ charters and proceedings of corporations and associations;⁵⁰ certificates revoking the admission of foreign corporations to do business in this state;⁵¹ conditional sales of fixtures;⁵² federal tax lien notices, and satisfactions and releases thereof;⁵³ satisfactions of vendors' liens;⁵⁴ soldiers' and sailors' discharge papers;⁵⁵ contracts waiving liens of laborers, materialmen, and building contractors;⁵⁶ and other documents presented for recording (not mentioned in the preceding paragraph) which no law requires to be recorded in a separate or specific book or file.⁵⁷ Formerly he recorded in the miscellaneous record, dentists' certificates of registration⁵⁸ and special assessments against lands benefited by ditches and drains.⁵⁹ The recorders of Clay County started keeping the miscellaneous record in 1863 and have kept said record continuously since then. Documents of the kinds recorded in the miscellaneous record after 1863 were recorded in the deed record before

⁴⁸ 1 Rev. Stat. 1852; Burns 56-804; Baldwin 14775.

⁴⁹ Acts 1913, ch. 47, sec. 21.

This act, which was superseded by Acts 1931, ch. 75, provided that such receipts be recorded in a book labelled "transfer tax."

⁵⁰ Acts 1820-21, ch. 20, sec. 1. Rev. Laws 1824, ch. 64, secs. 1, 7; ch. 87, secs. 7, 9. Acts 1929; Burns 25-219, 25-228, 25-235, 25-241, 25-242, 25-305, 25-309, 25-311; Baldwin 4919, 4928, 4935, 4941, 4942, 4963, 4967, 4969. Acts 1883; Burns 25-2002; Baldwin 10681. Acts 1909; Burns 25-3602; Baldwin 9280-2.

⁵¹ Acts 1929; Burns 25-311; Baldwin 4969.

⁵² Acts 1935; Burns, 1939 suppl., 58-806, 58-809 to 58-811; Baldwin, 1935 suppl., 14857-5, 14857-8 to 14857-10.

The law requires a separate record to be kept. *Ibid.*

⁵³ Acts 1925; Burns 49-3221 to 49-3225; Baldwin 10570 to 10574.

The law requires recording in a file labeled "Federal Tax Lien Notices" and requires the keeping of an index book labeled "Federal Tax Lien Index." *Ibid.*

⁵⁴ Acts 1937; Burns, 1939 suppl., 2-625; Baldwin, 1937 suppl., 61-2c. Acts 1889; Burns 56-144, 56-145; Baldwin 14702, 14703.

⁵⁵ Acts 1925; Burns 59-1002 to 59-1004; Baldwin 11002 to 11004.

The law requires the recording in a separate book and requires an index thereto. *Ibid.*

⁵⁶ Acts 1921, ch. 56, sec. 1.

The law requires the recording by the recorder "in books provided by him for that purpose" and requires an index thereto "in books kept for that purpose." *Ibid.*

⁵⁷ Rev. Stat. 1831, ch. 77, sec. 7. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470.

1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471.

⁵⁸ Acts 1887, ch. 32, sec. 9 (repealed by Acts 1899, ch. 211, sec. 29).

⁵⁹ Acts 1907, ch. 252, sec. 6 (repealed by Acts 1933, ch. 264, sec. 81).

1863. Recorders in all of the counties started keeping miscellaneous records about the same time, though no statute has ever required the keeping of such record. The general assembly has on several occasions required that certain specified documents be recorded in the miscellaneous record, and thus recognized the custom of the recorders in keeping such records.⁶⁰

To entitle any conveyance, mortgage, or other written instrument to be recorded, the execution thereof must be acknowledged or proved in the manner required by law,⁶¹ and the intangible tax thereon (if any) must be paid.⁶² For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered. No conveyance of land can be recorded by the recorder until after the instrument has been presented to the auditor and the auditor has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.⁶³

The recorder keeps an entry book in which he enters, as filed, all instruments delivered to him for recording, noting the day and hour received, which time is the legal date of recording.⁶⁴ He keeps a combined fee book and cashbook, and enters therein, as received, all money received in his office.⁶⁵ He is required to index the deeds, mortgages, and other instruments recorded by him.⁶⁶

⁶⁰ Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁶¹ Rev. Laws 1831, ch. 41, secs. 71, 11. Acts 1905; Burns 48-801; Baldwin 12473. 1 Rev. Stat. 1852; Burns 49-3212; Baldwin 14666. Acts 1935; Burns, 1938 suppl., 51-507; Baldwin, 1935 suppl., 13227-7. 1 Rev. Stat. 1852, Acts 1859; Burns 56-123 to 56-130, 56-132 to 56-137; Baldwin 14674 to 14676, 14679 to 14683, 14666, 14669, 14658, 14677, 14659, 14733.

The acknowledgment or proof must be recorded with the instrument. *Ibid.*

⁶² Acts 1933; Burns 64-929; Baldwin 15927.

⁶³ 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746

⁶⁴ Acts 1817-18 (general), ch. 28, sec. 10. Rev. Laws 1831, ch. 77, sec. 4. Rev. Stat. 1843, ch. 8, sec. 6. Acts 1895; Burns 49-3203; Baldwin 5472. 1 Rev. Stat. 1852, Acts 1925; Burns 49-3205; Baldwin 5470. 1 Rev. Stat. 1852; Burns 49-3211; Baldwin 14665. (1866) *Hand v. Board of County Comrs.*, 26 Ind. 179; (1877) *Holman v. Doran*, 56 Ind. 358; (1878) *Gilchrist v. Gough*, 63 Ind. 576; (1888) *Moore v. Glover*, 115 Ind. 367, 16 N. E. 163.

⁶⁵ Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1308; Baldwin 7566. Acts 1895; Burns 49-1401; Baldwin 7576.

⁶⁶ Acts 1825, ch. 44, sec. 1. Rev. Laws 1831, ch. 77, sec. 5. Rev. Stat. 1838, ch. 85, sec. 5. (1883) *Garrett v. Board of County Comrs.*, 92 Ind. 518.

Deeds. 1 Rev. Stat. 1852; Burns 49-3209; Baldwin 5471. 1 Rev. Stat. 1852, Acts 1855; Burns

The photographic process of recording instruments may be used by the recorder if adopted by the board of commissioners. Such method has never been used generally by the recorder of Clay County.⁶⁷

The state board of accounts (created in 1909) prescribes forms of books, reports, accounts, and records for the use or disposition of all recorders for their powers and duties which concern or affect the accounting for public funds.⁶⁸

Forms for the following books were prescribed for recorders by the state board of accounts: A combined fee book and cashbook; register of farm names; chattel mortgage minute book; and abstract of old-age assistance awards. Said board has prescribed forms of blanks for report of fees collected, application for registration of farm names, certificate of registration of farm names, and chattel mortgage receipts.⁶⁹

The book and accounts of the recorder are examined, from time to time without notice, by the state examiner.⁷⁰

ENTRY OF INSTRUMENTS FOR RECORDING

106. ENTRY BOOK, 1845-. 20 vols. (A-T).

Daily entry book of all instruments filed for recording, showing date and time of recording, date, number and kind of instrument, names of principals, amount of fee, and location and description of property. Also contains: Recorder's Fee and

49-3216, 49-3218; Baldwin 5480, 5482. (1855) Turpen v. Board of County Comrs., 7 Ind. 172; (1861) State ex rel. Board of County Comrs. v. Atkinson, 17 Ind. 26.

Mortgages. 1 Rev. Stat. 1852; Burns 49-3209, 49-3217, 49-3218; Baldwin 5471, 5481, 5482. (1878) Gilchrist v. Gough, 63 Ind. 576; (1884) Reeder v. State ex rel. Harlan, 98 Ind. 114.

Index to chattel mortgage minute book. Acts 1935; Burns, 1939 suppl., 51-510; Baldwin, 1935 suppl., 13227-10.

Federal tax liens. Acts 1925; Burns 49-3222; Baldwin 10571.

Conditional sales of fixtures. Acts 1935; Burns, 1939 suppl., 58-806, 58-809; Baldwin, 1935 suppl., 14857-5, 14857-8.

Quiet title record. Acts 1911; Burns 3-1409; Baldwin 968.

Soldiers' and sailors' discharge papers. Acts 1925; Burns 59-1003; Baldwin 11003.

Contracts waiving liens of laborers, materialmen, and building contractors. Acts 1921, ch. 56, sec. 1.

⁶⁷ Acts 1927; Burns 49-3207; Baldwin 14667.

⁶⁸ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁶⁹ Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁷⁰ Acts 1909; Burns 60-211; Baldwin 13862.

Cash Book, 1845-91, entry 140. Arr. chron. by dates of recording. No index. Hdw. 640 pp. 18 x 12 x 3. 19 vols., 1845-1934, recr. rec. rm.; 1 vol., 1935-, recr. off.

LAND TRANSFERS

DEEDS AND TITLES

107. GENERAL INDEX TO DEEDS, CURRENT, 1827-. 28 vols. (labelled by years).

Index to Deed Record, entry 109, showing date and kind of deed, date of recording, names of grantor, grantee and town, amount of consideration, location and description of land, and volume and page reference to recording. Arr. alph. by names of grantors and grantees. Hdw. 588 pp. 18 x 12 x 3. 27 vols., 1827-1936, recr. rec. rm.; 1 vol., 1937-, recr. off.

108. GENERAL INDEX TO DEEDS, 1828-1932. 26 vols. (labelled by years).

Transcripts of General Index to Deeds, Current, showing information as in entry 107. Arr. alph. by names of grantors and grantees. Hdw. 588 pp. 18 x 12 x 3. Recr. rec. rm.

109. DEED RECORD, 1826-. 148 vols. (B-Z, 1-123).

Transcripts of deeds for conveyance of titles to real property, showing date of deed, date and time of recording, names of grantor and grantee, entry number, amount of consideration, and location and description of property. Also contains: Cemetery Record, 1826-1916, entry 111; Quiet Title, 1826-1910, entry 112; Trust Fund [Deed] Record, 1826-Feb. 13, 1863, 1892-, entry 114; Tax Title Deed Record, 1826-61, 1887-, entry 115; Plat Book, 1826-51, entry 117; Mortgage Record, 1826-45, entry 122; Chattel Mortgage Record, 1826-45, entry 128; Miscellaneous Records, 1828-45, entry 133. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees; for separate deed index, see entry 107; for separate mortgage and lien index, see entry 120; for separate miscellaneous records index, see entry 131. 1825-Jan. 20, 1909, hdw.; Jan. 21, 1909-, typed. 588 pp. 18 x 12 x 3. Recr. rec. rm.

110. DEED RECORD, 1826-34. 1 vol. (A).

Transcripts of Deed Record B, showing information as in entry 109. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees. Hdw. 300 pp. 12 x 9 x 2. Recr. rec. rm.

111. CEMETERY RECORDS, 1917-. 1 vol. 1826-1916 in Deed Record, entry 109.

Transcripts of deeds for conveyance of titles to cemetery lots, showing date and time of recording, names of grantor, grantee and cemetery, amount of consideration, and location and description of lot. Arr. chron. by dates of recording. Indexed alph. by names of grantors and grantees. Typed. 122 pp. 18 x 12 x 3. Recr. off.

112. QUIET TITLE, 1911-. 1 vol. 1826-1910 in Deed Record, entry 109.

Transcripts of court decrees rendered in causes quieting titles to real estate, showing date of trial, date and time of recording, names of plaintiff, defendant, attorneys and witnesses, amount of sheriff's fees, cause number, location and description of property, and proceedings and decision of court. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants; for separate index, see entry 113. Typed. 592 pp. 18 x 12 x 3. Recr. off.

113. GENERAL INDEX TO QUIET TITLE, 1911-. 1 vol.

Index to Quiet Title, entry 112, showing dates of filing decree and recording, names of plaintiff, defendant and town or city, location and description of property, and volume and page reference to recording. Arr. alph. by names of plaintiffs and defendants. Hdw. 480 pp. 18 x 12 x 2½. Recr. off.

114. TRUST FUND [Deed] RECORD, Feb. 14, 1863-91. 1 vol. 1826-Feb. 13, 1863, 1892- in Deed Record, entry 109.

Transcripts of deeds to real property sold for nonpayment of school fund mortgages, showing date of deed, date and time of recording, names of grantor and grantee, amount of consideration, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of grantors. Hdw. 175 pp. 18 x 12 x 1½. Recr. rec. rm.

For other school fund records, see entries 298, 347-355, 483-502.

115. TAX TITLE DEED RECORD, 1862-86. 1 vol. (1). 1826-61, 1887- in Deed Record, entry 109.

Transcripts of tax title deeds issued by auditor for property sold for nonpayment of taxes, showing dates of sale, certificate of purchase and deed, date and time of recording, names of owner and purchaser, amount of sale, and location and description of property. Arr. chron. by dates of deeds. Indexed alph. by names of owners and purchasers. Hdw. 200 pp. 18 x 12 x 1½. Recr. rec. rm.

For Register of Deeds, see entry 478; for tax sale record, see entry 470.

116. TRACT BOOK, 1818-69. 2 vols.

Abstracts of original land sales to settlers, showing date of sale, name and address of purchaser, township, section and range numbers, number of acres sold, and location and description of property. Arr. by twps. and range nos. No index. Hdw. 240 pp. 18 x 14 x 2. Recr. rec. rm.

PLATS

117. PLAT BOOK, 1852-. 3 vols. (1 vol. not numbered, 2, 3). 1826-51 in Deed Record, entry 109.

Plats of additions, subdivisions, streets and cemeteries, showing date and time of recording, date entered for taxation, names of grantee, grantor, addition, subdivision, street and cemetery, entry and lot numbers, and volume and page reference to Deed Record, entry 109. Arr. chron. by dates of recording. Indexed alph. by names of additions, subdivisions, cemeteries and streets. 1852-1908, hdw.; 1909-, typed. 1 vol., 1852-71, very poor condition. 220 pp. 18 x 12 x 2. Recr. rec. rm.

118. PLATS, 1852-93. 1 vol.

Transcripts of Plat Book, showing same information as in entry 117. Arr. chron. by dates of recording. Indexed alph. by names of additions, subdivisions, cemeteries and streets. Hdw. 220 pp. 18 x 12 x 2. Recr. rec. rm.

119. CLAY COUNTY CONGRESSIONAL T[ownshi]P PLAT, 1814-16. 1 vol.

Transcripts of congressional township plats on file in office of auditor of state, showing date and time of recording, names of surveyor and township, and range and section numbers. Arr. chron. by dates of recording. No index. 100 pp. 16 x 15 x 1. Recr. rec. rm.

MORTGAGE TRANSACTIONS

REAL ESTATE

120. GENERAL INDEX TO MORTGAGES, 1826-. 20 vols.

Index to real estate and chattel mortgages and liens recorded in Deed Record, entry 109, and in Mortgage Record, entry 122, showing date and kind of instrument, dates of recording and satisfaction, names of principals, amount of consideration, location and description of property, and volume and page reference to recording. Arr. alph. by names of principals. Hdw. 580 pp. 18 x 12 x 2½. 18 vols., 1826-1936, recr. rec. rm.; 2 vols., 1937-, recr. off.

121. GENERAL INDEX TO MORTGAGES, 1826-1912, 1916-23, 1927-31. 15 vols.

Transcripts of General Index to Mortgages, showing same information as in entry 120. Arr. alph. by names of principals. Hdw. 580 pp. 18 x 12 x 2½. Recr. rec. rm.

122. MORTGAGE RECORD, 1846-. 112 vols. (A-Z, 1-86). 1826-45 in Deed Record, entry 109.

Transcripts of mortgages against real estate executed to secure loans, showing dates of mortgage and satisfaction, date and time of recording, names of mortgagor and mortgagee, entry number, amount and conditions of mortgage, and description of property. Also contains: Chattel Mortgage Record, 1846-1923, entry 128; Mechanic Lien Book, 1846-62, entry 129; Miscellaneous Records, 1846-62, entry 133. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees; for separate real and chattel mortgage and lien index, see entry 120; for separate miscellaneous records index, see entry 131. 1846-1909, hdw.; 1910-, typed. 588 pp. 18 x 12 x 3. Recr. rec. rm.

CHATTEL

123. GENERAL INDEX OF CHATELS, CURRENT, 1928-. 1 vol. Index to Chattel Mortgage Minute Book, 1935-, entry 124, and Chattel Mortgage Record, 1928-June 10, 1935, entry 128, showing date and amount of mortgage, dates of recording and satisfaction, names of mortgagor and mortgagee, location and description of property, and volume and page reference to recording. Arr. alph. by names of mortgagors and mortgagees. Hdw. 560 pp. 18 x 12 x 3. Recr. off.

124. CHATTEL MORTGAGE MINUTE BOOK, June 11, 1935-. 1 vol. (10).

Abstracts of mortgages executed to secure loans on personal property, showing dates of mortgage, filing, maturity and satisfaction, time of filing, number, amount of mortgage, names of mortgagor and mortgagee, and description of property. Also contains: [Conditional Sale Contracts], entry 125. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees. Hdw. and typed. 322 pp. 18 x 12 x 3. Recr. off.

For prior records, see entry 128.

125. [CONDITIONAL SALE CONTRACTS], June 11, 1935- in Chattel Mortgage Minute Book, entry 124. 1863-June 10, 1935 in Miscellaneous Records, entry 133.

Abstracts of conditional sale contracts, showing dates of in-

strument, filing, maturity and satisfaction, time of filing, number and amount of instrument, names of vendor and purchaser, and description of property. Arr. chron. by dates of filing. Indexed alph. by names of vendors and purchasers.

126. [CHATTEL MORTGAGES AND CONDITIONAL SALE CONTRACTS], 1935-. 24 f.b. (A-H, J, KL, M, Mc, N-X, YZ).

Mortgages and contracts, including:

- i. Original chattel mortgages executed to secure loans on personal property, showing dates of instrument and filing, number, amount and conditions of mortgage, names of mortgagor and mortgagee, description of property, and volume and page reference to Chattel Mortgage Minute Book, entry 124. Arr. alph. by names of mortgagors.
- ii. Original conditional sale contracts, showing dates of instrument and filing, number, amount and conditions of contract, names of vendor and purchaser, description of property, and volume and page reference to Chattel Mortgage Minute Book, entry 124. Arr. alph. by names of vendors.

No index. Hdw. and typed. 11 x 5 x 14. Recr. off.

127. [RECEIPTS FOR INSTRUMENTS], 1935-. 1 vol.

Carbon copies of receipts given for chattel mortgages and conditional sale contracts, showing dates of receipt and instrument, time of filing, names of principals, receipt and instrument numbers, and amount of mortgage or sale contract. Arr. num. by receipt nos. No index. Hdw. 375 pp. 17 x 11 x 3. Recr. off.

128. CHATTEL MORTGAGE RECORD, 1924-June 10, 1935. 9 vols. (1-9). 1826-45 in Deed Record, entry 109; 1846-1923 in Mortgage Record, entry 122.

Transcripts of mortgages executed to secure loans on personal property, showing dates of mortgage, maturity and satisfaction, date and time of recording, amount and conditions of mortgage, entry number, names of mortgagor and mortgagee, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of mortgagors and mortgagees; for separate index, 1928-, see entry 123. Typed. 500 pp. 18 x 12 x 3. Recr. rec. rm.

For subsequent records, see entry 124.

LIENS

129. MECHANIC LIEN BOOK, 1873-88. 1 vol. 1828-45 in Deed Record, entry 109; 1846-62 in Mortgage Record, entry 122; 1863-72, 1889- in Miscellaneous Record, entry 133.

Transcripts of notices of liens executed on property to insure payment of cost for labor and materials, showing dates of lien and satisfaction, date and time of recording, names of lienor and lienee, amount and terms of lien, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of lienors and lienees. Hdw. 430 pp. 18 x 12 x 3. Recr. rec. rm.

130. IMPROVED STOCK LIEN RECORD, 1893-94. 1 vol.

Record of liens executed to insure payment of fees for breeding services, showing dates of lien and service, date and time of recording, names and addresses of lienor and lienee, name, registry number and description of sire, description of dam, and amount of lien. Arr. chron. by dates of recording. Indexed alph. by names of lienors and lienees. Hdw. 590 pp. 18 x 13 x 3. Attic stor. rm.

MISCELLANEOUS INSTRUMENTS

131. MISCELLANEOUS INDEX RECORD, 1828-. 7 vols. (1-7). Index to miscellaneous records recorded in Deed Record, entry 109; Mortgage Record, entry 120; and Miscellaneous Record, 1863-, entry 133; showing date of instrument, names of principals, amount of consideration, location and description of property, date of satisfaction, and volume and page reference to recording. Arr. alph. by names of principals. Hdw. 636 pp. 18 x 12 x 3. 6 vols., 1828-Aug. 23, 1937, recr. rec. rm.; 1 vol., Aug. 25, 1937-, recr. off.

132. MISCELLANEOUS INDEX RECORD, 1828-1928. 4 vols. Transcripts of Miscellaneous Index Record, showing information as in entry 131. Arr. alph. by names of principals. Hdw. 636 pp. 18 x 12 x 3. Recr. rec. rm.

133. MISCELLANEOUS RECORDS, 1863-. 25 vols. (1, 6-29). Title varies: Lease Record 1881-1903. 1828-45 in Deed Record, entry 109; 1846-62 in Mortgage Record, entry 122.

Transcripts of miscellaneous instruments, including:

- i. Articles of incorporation, showing date of article, name of corporation, place of business, amount of capital stock, description of seal, and names of officers.

- ii. Mortgage assignments, showing dates of mortgage and assignment, amount of mortgage, and names of mortgagor, mortgagee and assignee.
- iii. Bills of Sale, showing dates of instrument and recording, description and itemized list of property, names of assignor and assignee, and amount realized.
- iv. Affidavits, showing dates of affidavit and recording, and name and statement of affiant.
- v. Powers of attorney, showing dates of instrument and recording, names of principal, agent and notary public, and term and conditions of authorization.
- vi. Wills, showing date of will, names and addresses of testator, witnesses and beneficiaries, amounts of bequests, and terms of will.

And infrequent recordings of many other instruments of minor nature, showing dates of instrument and recording, nature and conditions of instrument, and names of principals.

Also contains: [Conditional Sale Contracts], 1863-June 10, 1935, entry 125; Mechanic Lien Book, 1863-92, 1889-, entry 129; Lease Record, 1863-64, 1874-, entry 134. Arr. chron. by dates of recording. Indexed alph. by names of principals; for separate index, 1828-, see entry 131. 1863-Jan. 15, 1909, hdw.; Feb. 2, 1909-, typed. 590 pp. 18 x 12 x 3. 24 vols., 1863-Aug. 4, 1938, recr. rec. rm.; 1 vol., Aug. 6, 1938-, recr. off.

For other power of attorney records, see entry 88; for other will records, see entries 139 vi, 213-214.

134. LEASE RECORD, 1865-73. 3 vols. (2, 5, 3). 1863-64, 1874- in Miscellaneous Records, entry 133.

Record of real estate leases, showing date of lease, date and time of recording, names of lessor, lessee and township, amount and conditions of lease, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of lessors and lessees. Hdw. 500 pp. 16 x 11 x 2½. Recr. rec. rm.

135. REGISTER OF FARM NAMES, 1913-. 1 vol. Last entry Jan. 18, 1932.

Record of names assigned to farms by owners for purpose of identifying farm and farm products, showing date and time of recording, names of farm and owner, and location and description of farm. Arr. chron. by dates of recording. Indexed alph. by names of farms and owners. Typed. Condition poor. 592 pp. 18 x 12 x 3. Recr. rec. rm.

136. RECORDER'S ABSTRACT OF OLD-AGE ASSISTANCE CERTIFICATES, 1936-. 1 vol.

Abstracts of old-age pension award certificates establishing liens against property of recipients, showing date and time of filing, date of certificate, name of recipient, and application and certificate numbers. Arr. alph. by names of recipients. No index. Hdw. 600 pp. 18 x 12 x 3. Recr. off.

For other old-age assistance records, see entries 137, 426, 427iv-vii, 605-615.

137. [OLD-AGE ASSISTANCE AWARD CERTIFICATES], 1936-, 2 f. d. Copies of old-age assistance award certificates, showing dates of certificate and filing, name and address of recipient, amount of monthly award, application and certificate numbers, and conditions of award. Arr. alph. by names of recipients. No index. Typed. 26 x 14 x 11. Recr. off.

For other old-age assistance records, see entries 136, 426, 427iv-vii, 605-615.

138. RECORD OF MARKS & BRANDS, 1861-86. 1 vol.

Register of marks and brands placed on animals for identification purposes, showing date and time of recording, names of owner and township, and description of mark or brand. Arr. by twps., thereunder chron. by dates of recording. Indexed by names of twps. Hdw. 576 pp. 15 x 12 x 2. Attic stor. rm.

139. [MISCELLANEOUS INSTRUMENTS], 1835-. 58 f. b. (labeling varies).

Original instruments left for recording and uncalled for, including:

- i. Deeds, showing same information as in entry 109.
- ii. Real estate mortgages, showing same information as in entry 122.
- iii. Chattel mortgages, showing same information as in entry 128.
- iv. Mortgage releases, showing dates of filing, mortgage and release, amount of mortgage, and names of mortgagor and mortgagee.
- v. Mechanic's liens, showing same information as in entry 129.
- vi. Wills, showing same information as in entry 133vi. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Recr. rec. rm.

For other will records, see entries 213, 214.

FEE AND CASH RECORDS

140. RECORDER'S FEE AND CASH BOOK, 1892-. 11 vols. (1-5, 1-6). 1845-91 in Entry Book, entry 106.

Ledger of fees received for recording instruments, showing date of receipt, name of payer, number and kind of instrument, amount of fee, and total amount collected. Arr. num. by instrument nos. No index. Hdw. 395 pp. 18 x 12 x 3. 10 vols., 1892-1930, recr. rec. rm.; 1 vol., 1931-, recr. off.

NEWSPAPERS

141. [WEEKLY NEWSPAPERS], 1868-1900. 85 vols.

Copies of weekly newspapers procured by recorder containing county publications. Contains:

Clay County Enterprise, 1872-1900.

Brazil Miner, 1878-90.

The Democrat, 1881-91.

The Brazil Register, 1881-89.

Manufacturer and Miner, 1872-77.

Clay City Reporter, 1885-90.

Western Mirror, 1877-81.

The Brazil Democrat, 1891-95.

The Clay City Independent, 1881-85.

Clay County Review, 1878-83.

The Democratic Archives, 1870-73.

The Brazil Weekly Echo, 1873-76.

The Clay County Weekly Herald, 1874-77.

The Weekly Archives, 1873-74.

Argus Magnet, 1880-81.

The National Index, 1878-79.

The Aurora Borealis, 1871-72.

The Weekly Aurora Borealis, 1868-69.

Bowling Green Review, 1877-78.

Bowling Green Constitution, 1869.

The Old Constitution, 1870.

The Saturday Evening Echo, 1873.

Review, 1878.

Clay City Reporter, 1885.

Arr. chron. by dates of publications. No index. Ptd. 27 x 18 x 1. Attic stor. rm.

MAPS

142. CLAY COUNTY, 1931. 1 map.

Political and communication map of Clay County, showing date of map, cities, towns, cemeteries, farms, ward and precinct boundaries, and names and locations of farms, churches, schools, railroads, interurban lines, county roads, and pipe lines. Drawn by Jenkins and Ell of Brazil. Colored. Scale: $1\frac{1}{2}$ " to 1 mi. 36 x 48. Recr. rec. rm.

143. CITY OF BRAZIL, 1915. 1 map.

Communication map, showing date of map, city boundary lines, streets, alleys, public buildings, parks, cemeteries, and large industrial and commercial enterprises. Drawn and published by *Brazil News and Democrat* at Brazil. Colored. Scale: 300' to 1". 32 x 45. Recr. rec. rm.

144. CLAY COUNTY, 1915. 1 map.

Communication map, showing date of map, names and locations of churches, schools, roads, townships, towns, railroads, electric lines and creeks, and name and number of property owners. Drawn and published by *Brazil News and Democrat* at Brazil. Colored. Scale: $1\frac{1}{2}$ " to 1 mi. 32 x 45. Recr. rec. rm.

V. CIRCUIT COURT

The circuit court, established by the Constitution of 1816 and re-established by the Constitution of 1851, consists of one judge and has such jurisdiction as is prescribed by law. The judge is elected for a six-year term by the voters of the judicial circuit.¹ Since February 27, 1911, Clay County alone has constituted the thirteenth judicial circuit.² Before that date Clay County was contained in judicial circuits composed of more than one county.³ The official name of the court is "Clay Circuit Court."⁴

The judge of the circuit court is commissioned by the

¹ Const. 1816, art. 5, secs. 1, 3-7. Const., art. 7, secs. 1, 8, 9. Acts 1881 (Spec. Sess.) Burns 4-301; Baldwin 1395. Acts 1925, 1929; Burns 4-3220; Baldwin 1258.

² Acts 1911, ch. 55, sec. 1. Acts 1927, ch. 27, sec. 1.

³ Acts 1825, ch. 15, sec. 7. Acts 1829-30, ch. 28 (first act), sec. 1. Rev. Laws 1831, ch. 23, sec. 1. Acts 1838 39 (general), ch. 2, sec. 1. Acts 1840-41 (general), ch. 25, sec. 1. Acts 1851-52, ch. 21, sec. 6. Acts 1873, ch. 29, sec. 14. Acts 1875, ch. 28, sec. 1.

⁴ Acts 1881 (Spec. Sess.); Burns 4-302; Baldwin 1396.

governor,⁵ and holds office until his successor is elected and qualified.⁶ For three years next before his candidacy for election, the judge must have been duly admitted to practice law in Indiana, and also must have practiced or taught law or acted as an officer of the state or a municipality therein during said time (the periods of practice, teaching, and holding office to be combined).⁷ While holding said office, the judge must reside within the circuit,⁸ must not hold any other lucrative office,⁹ and must not practice law.¹⁰ Should he resign or be removed, the judge cannot hold any office of trust or profit under the state, other than a judicial office, during the term for which he was elected.¹¹ He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.¹²

The judge of the circuit court receives a regular salary of \$4,200 per year payable out of the state treasury.¹³ The compensation of the judge cannot be diminished during his continuance in office.¹⁴

If the judge is convicted of corruption or other high crime, he may, on information in the name of the state, be removed from office by the supreme court.¹⁵ This is the only method by which the judge may be removed from office.¹⁶

Any vacancy in the office of judge of the circuit court is filled by appointment by the governor. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), a judge is elected for the remainder of the term in which the vacancy occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take oath as was required

⁵ Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

⁶ Const., art. 15, sec. 3.

⁷ Acts 1939; Burns, 1939, suppl., 4-3224; Baldwin, 1939 suppl., 1223-1.

⁸ Const., art. 7, sec. 9.

⁹ Const. 1816, art. 11, sec. 13. Const., art. 2, sec. 9.

¹⁰ Acts 1905; Burns 10-3101; Baldwin 2635.

¹¹ Const., art. 7, sec. 16.

¹² Const. 1816, art. 11, sec. 1. Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin

2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹³ Acts 1921; Burns 4-3209; Baldwin 1225.

¹⁴ Const., art. 7, sec. 13.

¹⁵ Const., art. 7, sec. 12. Acts 1897; Burns 49-819; Baldwin 13152.

¹⁶ State v. Dearth, 201 Ind. 1, 164 N. E. 489. Interview of July 29, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

of his predecessor, and holds office until his successor is elected and qualified.¹⁷

Under the Constitution of 1816 and an act of 1816, the court consisted of a president judge, elected for the circuit by joint ballot of both houses of the general assembly, and two associate judges, elected in the county by the voters thereof.¹⁸ These judges were commissioned by the governor of the state, and held office for the term of seven years.¹⁹ Recess appointments were made by the governor when the general assembly was not in session.²⁰ The president judge alone, in the absence of the associate judges, or any two judges—the president and one associate judge, or two associate judges in the absence of the president—were competent to hold a court; but the presence of the president was required in capital cases and cases in chancery.²¹ The court had general jurisdiction at law and in equity.²²

A probate court, consisting of one judge, was established in Clay County in 1829 under an act of that year. It had exclusive original jurisdiction over probate of wills, settlement of decedents' estates, and guardianships; and had original jurisdiction, concurrent with the circuit court, over dower proceedings, partition proceedings, and actions concerning heirs, devisees, executors, administrators, and guardians. The judge was elected for a seven-year term by the voters of the county.²³ This court was abolished in 1853 and its jurisdiction was transferred to common pleas court.²⁴

A common pleas court, consisting of one judge, was established in Clay County in 1853. The judge was elected for

¹⁷ Const., art. 5, sec. 18. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-402, 49-404, 49-408, 49-409; Baldwin 13101, 13103, 13106, 13107.

¹⁸ Const. 1816, art. 5, secs. 3, 7. Acts 1816-17, ch. 2, sec. 2. Acts 1817-18 (general), ch. 2, sec. 2. Rev. Laws 1824, ch. 24, sec. 2. Rev. Laws 1831, ch. 22, sec. 2. Rev. Stat. 1838, ch. 23, sec. 2. Rev. Stat. 1843, ch. 38, secs. 1-4.

¹⁹ Const. 1816, art. 5, sec. 4; art. 11, sec. 9.

²⁰ *Ibid.*, art. 4, sec. 9.

²¹ *Ibid.*, art. 5, sec. 3.

²² Const. 1816, art. 5, sec. 3. Acts 1816-17, ch. 2, secs. 5-7; ch. 3, secs. 2, 3. Acts 1817-18 (general), ch. 2, secs. 5-7; chs. 3, 13. Rev. Laws 1824, ch. 24, secs. 4-6. Rev. Laws 1831, ch. 22, sec. 3. Rev. Stat. 1838, ch. 23, secs. 3-7, 12. Rev. Stat. 1843, ch. 38, secs. 6-32.

²³ Const. 1816, art. 5, sec. 4. Acts 1828-29, ch. 26, secs. 1, 2. Rev. Laws 1831, ch. 25, secs. 1, 4. Rev. Stat. 1838, ch. 24, sec. 1. Rev. Stat. 1843, ch. 4, secs. 2, 9; ch. 39, secs. 1-13.

²⁴ 1 Rev. Stat. 1852, ch. 92, sec. 1. 2 Rev. Stat. 1852, pt. 1, ch. 8, sec. 43.

The Revised Statutes of 1852 took effect on May 6, 1853. Jones v. Cavins, 4 Ind. 305.

a four-year term by the voters of the common pleas district, composed of the counties of Clay, Greene, Owen, and Sullivan.²⁵ Later the district was composed of the counties of Clay, Greene, Owen, and Putnam.²⁶ This court had exclusive original jurisdiction over probate of wills, settlement of decedents' estates, and guardianships; and had original jurisdiction at law and in equity, concurrent with the circuit court, over other matters (except felonies punishable by death, slander, libel, breach of marriage contract, and actions to recover \$1,000 or more, of which the circuit court had exclusive original jurisdiction).²⁷ The common pleas court was abolished in 1873, and its jurisdiction was transferred to the circuit court.²⁸

The constitution provides for tribunals of conciliation with such powers and duties as may be prescribed by law, but without power to render an enforceable judgment in the absence of agreement of the parties to abide the judgment of such tribunal.²⁹ Accordingly in 1852 the general assembly established in the county a court of conciliation, to be held by the judge of the court of common pleas. It had jurisdiction of claims and controversies submitted to it for the purpose of effecting a compromise or for determination. In cases of libel, slander, assault and battery, false imprisonment, and malicious prosecution, the complaining party could have the opposite party served with a notice requiring him to appear before the court. Hearings were private and informal. Controversies submitted by both parties to the court for determination were determined according to right and conscience without regard to technical rules. The judge was required to keep a book containing a memorandum of proceedings and the judgment.³⁰ This court was abolished in 1865.³¹

The circuit court has original jurisdiction of all criminal cases under the state laws, civil actions at law, cases in equity, and special statutory proceedings of a judicial nature, including probate matters, guardianships, and juvenile matters. The court is known as the "Juvenile Court" when

²⁵ 2 Rev. Stat. 1852, pt. 1, ch. 8, secs. 1, 3. Jones v. Cavins, 4 Ind. 305.

²⁶ Acts 1859, ch. 51, secs. 1. Acts 1861, ch. 28, sec. 1.

²⁷ 2 Rev. Stat. 1852, pt. 1, ch. 4, sec. 5; ch. 8, secs. 4, 11, 12, 14, 17, 21, 23.

²⁸ Acts 1873; Burns 4-328; Baldwin 1417.

²⁹ Const., art. 7, sec. 19.

³⁰ 2 Rev. Stat. 1852, pt. 2, ch. 2, secs. 1-3, 5-8, 12, 13, 18, 20.

³¹ Acts 1865 (Spec. Sess.), ch. 57.

acting in juvenile matters.³² The court has original jurisdiction of naturalization proceedings under the federal laws.³³

The circuit court has appellate jurisdiction³⁴ to review decisions of justices of the peace,³⁵ city courts,³⁶ board of commissioners,³⁷ board of review fixing value of property for taxation,³⁸ taxing authorities determining that property is taxable,³⁹ board of public works or board of park commissioners of any city in the county (or city council performing such functions),⁴⁰ miners' examination board,⁴¹ and other inferior tribunals when no express direction is given as to the court to which the appeal lies.⁴²

The circuit court has power to make all proper judgments, sentences, decrees, orders, and injunctions; to issue all process;⁴³ and to adopt rules for conducting its business.⁴⁴

The chief officers of the court are the sheriff, the prosecuting attorney, and the clerk of the circuit court. The sheriff, in person or by deputy, attends the circuit court, preserves order therein, and serves all process directed to him therefrom.⁴⁵ The prosecuting attorney prosecutes the pleas of the state in the circuit court.⁴⁶ The clerk of the circuit court, in person or by deputy, attends the circuit court, performs the customary duties of clerk during trials, draws up each day's proceedings at full length in the proper

³² Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Acts 1903, 1913, 1931, 1935, 1937; Burns, 1938 suppl., 9-2801; Baldwin, 1937 suppl., 1759.

³³ Acts of Congress 1906, 1911, 1913; U. S. C., title 8, sec. 357.

³⁴ Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397.

³⁵ *Ibid.* 2 Rev. Stat. 1852; Burns 5-1001; Baldwin 1931.

³⁶ Acts 1905; Burns 4-2415; Baldwin 2290. Acts 1917; Burns 4-2603; Baldwin 11608. Acts 1921; Burns 4-2702; Baldwin 12172. Acts 1923; Burns 4-2802; Baldwin 12336.

³⁷ Acts 1879; (Spec. Sess.), 1885; Burns 26-820; Baldwin 5275. 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277. Acts 1933; Burns 27-117; Baldwin 5753. Acts 1905; Burns 26-1501; Baldwin 8858. State ex rel. Sink v. Circuit Court, —Ind.—, 15 N. E. (2d) 624.

³⁸ Acts 1927; Burns 64-1020; Baldwin 15686.

³⁹ Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

⁴⁰ Acts 1923; Burns 48-4501; Baldwin 11576.

⁴¹ Acts 1923; Burns 46-1008; Baldwin 11073.

⁴² Acts 1881 (Spec. Sess.); Burns 4-303; Baldwin 1397. Hamilton v. Fort Wayne, 73

Ind. 1.

⁴³ 2 Rev. Stat. 1852; Burns 4-307; Baldwin 1400.

⁴⁴ 2 Rev. Stat. 1852; Burns 4-313; Baldwin 1406.

⁴⁵ 2 Rev. Stat. 1852; Burns 49-2802; Baldwin 5494.

⁴⁶ 2 Rev. Stat. 1852; Burns 49-2501; Baldwin 5456.

order book which is signed by the circuit judge, and enters a complete record of causes after completion thereof.⁴⁷ All causes are filed in the office of the clerk of the circuit court, and numbered in consecutive order as filed.⁴⁸ The clerk is also charged by statute with the duty of keeping and preserving the official records of the court.⁴⁹

CIVIL CAUSES

ENTRY OF CAUSES

145. ENTRY & ISSUE DOCKET & FEE BOOK [Civil], Nov. 23, 1912-. 33 vols. (1-33).

Record of filing and docketing of civil causes and fees assessed, showing dates of filing, issuing of process and sheriff's return, names of plaintiff, defendant and attorneys, amounts of judgment and costs, number and nature of cause, proceedings of court, and volume and page references to Order Book, Civil, entry 173; Index to Judgments [Judgment Docket], entry 175; and Execution Docket, entry 180; and file box reference to Civil and Criminal [Causes Decided], entry 150. This is a combination of civil causes in three records formerly kept separately: Entry Docket, 1861-Nov. 22, 1912, entry 146; Issue Docket, 1852-98, entry 164; and Fee Book, 1851-Nov. 22, 1912, entry 251. Also contains: Entry & Issue Docket and Fee Book. Criminal, 1912-July 26, 1917, entry 195. Arr. num. by cause nos. Indexed alph. by names of plaintiffs and defendants. Hdw. 590 pp. 18 x 12 x 3. Clk. rec. rm.

146. ENTRY DOCKET, 1861-Nov. 22, 1912. 10 vols. (1-10). Civil causes, Nov. 23, 1912- and criminal causes, Nov. 23, 1912-July 26, 1917 in Entry & Issue Docket & Fee Book [Civil], entry 145. Criminal causes, 1917-in Entry & Issue Docket and Fee Book, Criminal, entry 195.

Record of filing of civil and criminal causes, showing cause number, dates of filing, issuing of process and judgment, names of plaintiff, defendant and attorneys, kind of action, volume and page reference to Order Book, Civil, entry 173; Order Book, Criminal, entry 203; and Order Book, Probate,

⁴⁷ 2 Rev. Stat. 1852, Acts 1885 (Spec. Sess.), 1933; Burns 4-324; Baldwin 1413. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴⁸ Acts 1881 (Spec. Sess.); Burns 2-1053; Baldwin 158. 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

⁴⁹ 2 Rev. Stat. 1852; Burns 49-2706; Baldwin 1433.

entry 232; and file box references to Civil and Criminal [Causes Decided], entry 150; and Probate [Causes Decided], entry 212. Arr. num. by cause nos. No index. Hdw. 319 pp. 18 x 12 x 3. Clk. rec. rm.

147. ENTRY DOCKET, COMMON PLEAS, 1865-Apr. 14, 1873. 2 vols. (1, 2).

Record of filing of civil and criminal causes in common pleas court, showing court term, dates of filing, issuing of process and judgment, names of plaintiff, defendant and attorneys, cause number, kind of action, volume and page references to Order Book, Common Pleas, entry 174; Judgment Docket, Common Pleas, entry 177; Allowance Docket, entry 209; and Order Book, Probate, entry 232. Arr. by court terms, thereunder num. by cause nos. 1865-71, indexed alph. by names of plaintiffs; 1872-Apr. 14, 1873, no index. Hdw. 319 pp. 18 x 12 x 3. Clk. rec. rm.

ORIGINAL DOCUMENTS

148. [CIVIL CAUSES PENDING], 1928-. 26 f.b. (A-Z).

Original instruments of causes pending, including petitions, summons, complaints, answers to complaints, transcripts, affidavits, bonds posted, warrants, subpoenas and sheriff's notices, showing dates of instrument and filing, names of plaintiff, defendant, attorneys and witnesses, amount of bond, kind and conditions of instrument, and number and nature of cause. Arr. num. by cause nos. No index. Hdw. and typed. 11 x 5 x 14. Cir. ct. rm.

149. [GENERAL INDEX TO CAUSES DECIDED], 1852-. 2 vols. General index to civil, criminal and probate causes decided, including:

- i. Inverted index to civil causes in Civil and Criminal [Causes Decided], entry 150, and Common Pleas [Causes Decided], entry 151, showing date of filing, cause number, names of plaintiff and defendant, nature of charge, volume and page references to Entry & Issue Docket & Fee Book, Civil, entry 145, and Order Book, Civil, entry 173, and file box references. Arr. alph. by names of plaintiffs and defendants, thereunder num. by cause nos.
- ii. Index to criminal causes in Civil and Criminal [Causes Decided], entry 150, Common Pleas [Causes Decided], entry 151, and Juvenile, Current, entry 239, showing cause number, names of plaintiff and defendant, nature of charge, volume and page references to Entry & Issue Docket and Fee Book, Crim-

inal, entry 195, Order Book, Criminal, entry 203, and Order Book, Juvenile Court, entry 242, and file box references. Arr. alph. by names of defendants, thereunder num. by cause nos.

- iii. Inverted index to estate causes in Probate [Causes Decided], entry 212, and Common Pleas [Causes Decided], entry 151, showing cause number, names of administrator or executor and decedent, date of filing, volume and page references to Administrators' Fee Docket, entry 204, and Order Book, Probate, entry 232, and file box references. Arr. alph. by names of administrators or executors and decedents, thereunder num. by cause nos.
- iv. Inverted index to guardianship causes in Probate [Causes Decided], entry 212, and Common Pleas [Causes Decided], entry 151, showing cause number, names of guardians, guardianships, wards and heirs, date of filing, volume and page references to Guardianship Docket and Fee Book, entry 205, and Order Book, Probate, entry 232, and file box references. Arr. alph. by names of guardians and guardianships, thereunder num. by cause nos. Typed. 700 pp. 18 x 15 x 4. Clk. rec. rm.
- 150. CIVIL AND CRIMINAL [Causes Decided], 1850-. 494 f.b. (1-494). 1852- also in Miscellaneous [Instruments], entry 58.

Original instruments of causes decided, including petitions, summons, complaints, answers to complaints, change of venue, transcripts, praecipes, affidavits, appointments and oaths of appraisers, bonds posted, warrants, subpoenas, grand jury indictments and sheriff's notices of attachment, showing dates of instrument and filing, names of plaintiff, defendant, attorneys and witnesses, amount of bond, kind and conditions of instrument, number, nature and disposition of cause. Also contains: Recognizance Bonds, 1850-1936, entry 200. Arr. num. by cause nos. For index, see entry 149. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

- 151. COMMON PLEAS [Causes Decided], 1853-73. 33 f.b. (1-33).

Original instruments filed in civil, criminal and probate causes for trial in common pleas court, including reports, claims, inventories and appraisements, bills of sale, appointments, bonds, petitions, demurrers, writs, court orders, receipts and assignments, showing dates of instrument and fil-

ing, names of plaintiff and defendant, and nature, number and disposition of cause. Arr. chron. by dates of filing. For index, see entry 149. Hdw. 11 x 5 x 14. Clk. rec. rm.

152. RILEY HOSPITAL APPLICATIONS, 1924-. 2 f. b.

Papers pertaining to admittance of children to Riley Hospital, including petitions, physicians' reports, and commitments, showing dates of instrument and filing, name, age, sex and address of child, names and addresses of parents, name of physician, nature of illness or deformity, and case history of child and parents. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. 1 f. b., 1924-36, clk. rec. rm.; 1 f. b., 1937-, clk. off.

153. CLAY COUNTY HOSPITAL PAPERS, 1937-. 1 f. b.

Instruments pertaining to admittance of children to Clay County Hospital, including petitions to judge and physician's reports, showing dates of petition, report and filing, name, age, description and birthplace of child, names and addresses of parents, and physician's brief description of case. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. off.

SANITY

154. INSANITY [Documents], 1851-. 13 f. b. Title varies: Feeble Minded, Epileptics, 1936-, 1 f. b.

Original documents filed in causes of alleged insanity, feeble-mindedness and epilepsy, including record of inquests, warrants of arrest, record of proceedings to recommit, responses to applications for admission, clothing requisitions, and notices of discharge and death, showing dates of instrument, filing, discharge and death, names of patient, examining physician, witnesses and institution, cause number, list of clothing furnished, fees assessed, and disposition made. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

155. INSANITY RECORD, 1851-. 8 vols. (1A, 2-8).

Record of inquests and proceedings in matters of alleged insane, feeble-minded and epileptic persons, showing dates of filing, inquest, commitment and discharge or death, name, age and sex of patient, names of petitioners, physician and witnesses, cause number, and proceedings. Also contains: Insane Record, Reccommitments, 1902-, entry 157. 1851-81, no orderly arr.; May 30, 1881-, arr. chron. by dates of filing. For index, 1851-81, see entry 156; May 30, 1881-, indexed alph. by names of patients. Hdw. 582 pp. 18 x 12 x 3. Clk. rec. rm.

156. [INDEX TO INSANITY RECORD], 1851-81. 1 vol.

Index to volume 1A of Insanity Record, entry 155, showing name of patient and page reference to recording. Arr. alph. by names of patients. Hdw. 20 pp. 15 x 10 x ½. Attic stor. rm.

157. INSANE RECORD, RECOMMITMENTS, 1881-1901. 1 vol.
1902- in Insanity Record, entry 155.

Record of proceedings to recommit insane persons to state institutions, showing dates of statement and recommitment, name, age and sex of patient, cause number, and proceedings. Arr. chron. by dates of statements. Indexed alph. by names of patients. Hdw. 18 x 12 x 2. Clk. rec. rm.

NATURALIZATION

158. DECLARATIONS [of Intention], 1860-. 11 vols. (1-7, 1-3, and 1 vol. not numbered). Title varies: Record of Nat[ural]ization, 1860-Oct. 3, 1872, vol. 1.

Original declarations of intention to become naturalized citizens of U. S., showing date of declaration, name and address of court, name, address, occupation, sex, race, nationality, date and place of birth, marital status and physical description of alien, name and place and date of birth of alien's wife, dates and places of marriage and arrival in U. S., names, dates and places of birth and residences of children, date and place of filing and number of prior declaration, last foreign residence, name of vessel, and declaration, court serial and certificate of arrival numbers. Arr. num. by declaration nos. For index 1860-Oct. 3, 1872, see entry 159; Oct. 4, 1872-1928, indexed alph. by names of aliens; 1929- no index. 400 pp. 13 x 12 x 2. Vols. 1-7, 1-3, 1860-1928, clk. rec. rm.; 1 vol., 1929-, clk. off.

159. INDEX TO NATURALIZATION RECORD # 1, 1860-Oct. 3, 1872. 1 vol.

Index to volume one, Declarations [of Intention], entry 158, showing name of alien and page reference to recording. Arr. alph. by names of aliens. Hdw. 29 pp. 14 x 6 x ½. Clk. rec. rm.

160. FACTS FOR DECLARATION OF INTENTION [Naturalization Documents], 1876-1909. 1 f.b. 1852-75 in Miscellaneous [Instruments], entry 58.

Documents pertaining to naturalization, including:

- i. Facts for declarations of intention filed with clerk for his use in filling out declarations of intention, 1907-8, showing information as in entry 158.

- ii. Facts for petitions for naturalization filed with clerk for his use in filling out petitions for naturalization, 1907-9, showing information as in entry 161.
 - iii. Declarations of intention to become naturalized citizens, 1876-88, showing information as in entry 158.
 - iv. Notices of hearings on petitions for naturalization posted by clerk of the circuit court, 1907-8, showing name and term of court, place of hearing, name, birthplace, address, and date and place of arrival of petitioner, approximate date of final hearing, and names and addresses of witnesses.
 - v. Motions for dismissal of petitions for admission to citizenship, 1908, showing cause number, names of petitioner, special assistant to the attorney general and court, conditions of motion, and date of filing. No orderly arr. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.
161. PETITIONS, 1904-. 5 vols. (1 vol. not numbered, 1-3, and 1 vol. not numbered). Title varies: Naturalization Record Final Papers, 1904-Apr. 19, 1906, 1 vol.

Original petitions for naturalization, affidavits of witnesses and oaths of allegiance, with petitioners' affidavits and certificates of arrival and examination attached, showing date of petition, name of court, name, address, age, occupation, date and place of birth, race and marital status of petitioner, name and date and place of birth of husband or wife, date and place of marriage, names, dates and places of birth and addresses of children, last foreign residence, ports of sailing and entry, date of arrival, name of vessel, length of residence in county, date and number of previous petitions, prayer for change of name, affidavits of witnesses, kind and conditions of petitioners' affidavit, oath of allegiance to U. S. and renunciation of foreign allegiance, petition, court and certificate of arrival numbers, action of court, and list and line reference to Order Book [Citizenship Petitions Granted and Denied], entry 163. Also contains: Certificate of Naturalization, Oct. 1926-, entry 162. 1904-Apr. 19, 1906, arr. chron. by dates of petitions; Apr. 20, 1906-, arr. num. by petition nos. 1904-May 1, 1928, indexed alph. by names of petitioners; May 2, 1928-, not indexed. 100 pp. 16 x 12 x 1½. 4 vols., 1904-May 1, 1928, clk. rec. rm.; 1 vol., May 2, 1928-, clk. off.

162. CERTIFICATE OF NATURALIZATION, 1907-Sept. 1926. 13 vols. Oct. 1926— in Petitions, entry 161; also 1932— in Order Book [Citizenship Petitions Granted and Denied], entry 168.

Stubs of certificates of naturalization issued to naturalized citizens by clerk of circuit court, showing name and age of naturalized citizen, date and number of declaration of intention, name of court issuing declaration of intention, date of court order admitting petitioner to citizenship, names, ages and places of residence of wife and minor children, old and new certificate and petition numbers, volume and page reference to Declarations [of Intention], entry 158, and volume reference to Petitions, entry 161. Arr. num. by certificate nos. No index. Hdw. 25 pp. 10 x 5 x ½. Clk. off.

163. ORDER BOOK [Citizenship Petitions Granted and Denied], 1932—. 1 vol.

Court orders of admission to and denial of citizenship, showing date of order, name, age and address of petitioner, order of admission or denial, action of court on petitioner's prayer for change of name, cause for denial, and petition. line and list numbers. Also contains: Certificate of Naturalization, entry 162. Arr. num. by list nos. No index. Typed. 50 pp. 11 x 9 x ½. Clk. off.

MINUTES

164. ISSUE DOCKET, 1852-98. 89 vols. (1-12, and 77 vols. labelled by court terms). Civil causes, Nov. 23, 1912—, and criminal causes, Nov. 23, 1912-July 26, 1917 in Entry & Issue Docket & Fee Book [Civil], entry 145. Criminal causes, 1917— in Entry & Issue Docket and Fee Book, Criminal, entry 195.

Minutes of actions, proceedings and rulings of circuit court in civil and criminal causes, showing dates of court term, filing of action and sheriff's return, names of plaintiff, defendant and attorneys, number and nature of cause, and court proceedings. Arr. by court terms, thereunder num. by cause nos. No index. Hdw. 100 pp. 18 x 12 x 1. Attic stor. rm.

165. ISSUE DOCKET, COMMON PLEAS, 1853-Mar. 7, 1873. 5 vols. (1-5).

Minutes of actions, proceedings and rulings of common pleas court in civil and criminal causes, showing court term, dates of filing and sheriff's return, names of plaintiff, defendant, witnesses and attorneys, number and nature of cause, and court proceedings. Arr. by court terms, thereunder num. by cause nos. No index. Hdw. 334 pp. 18 x 12 x 3. Attic stor. rm.

166. CIVIL [Causes Pending], 1928-. 1 vol.

Record of proceedings in civil causes pending, showing cause number, dates of filing and action, names of plaintiff, defendant and attorneys, kind of action, amount of costs, minutes of court, volume and page references to Entry & Issue Docket and Fee Book [Civil], entry 145, and Order Book, Civil, entry 173, and file box reference to [Civil Causes Pending], entry 148. Arr. num. by cause nos. No index. Hdw. and typed. 340 pp. 12 x 13 x 3. Clk. off.

167. CIVIL [Causes Decided], 1908-. 3 f. d. 1852-1907
and also 1908-May term 1914 in Court Docket [Civil and Criminal], entry 168.

Docket sheets of civil causes decided, including judge's docket sheets, 1908-Feb. 1, 1922 and court docket sheets, 1918-, showing cause number, dates of filing and action, title of cause, names of attorneys, kind of action, minutes of court, volume and page references to Entry & Issue Docket and Fee Book [Civil], entry 145, and Order Book, Civil, entry 173, and file box reference to Civil and Criminal [Causes Decided], entry 150. Arr. num. by cause nos. No index. Hdw. and typed. 15 x 13 x 26. Clk. off.

168. COURT DOCKET [Civil and Criminal], 1852-May term 1914. 162 vols. (1-12, and 150 vols. labelled by court terms). Title varies: BarDocket, 1886-Jan. 1890, 16 vols.

Minutes of court in disposed of civil and criminal causes, showing court term, cause number, date of filing, nature of action, names of plaintiff, defendant and attorneys, and court proceedings. This is a combination of two records later kept separately: Civil [Causes Decided], 1908-, entry 167; Criminal [Causes Decided], 1910-, entry 202. Arr. chron. by court terms, thereunder num. by cause nos. No index. 1852-1910, hdw.; 1911-May 1914, hdw. and typed. 250 pp. 18 x 12 x 2. Attic stor. rm.

169. COURT DOCKET, COM[mon] PLEAS COURT, 1853-Mar. 7, 1873. 6 vols. (1-6).

Minutes of court in civil and criminal causes of common pleas court, showing court term, cause number, date of filing, names of plaintiff, defendant, attorneys, guardian, administrator, executor, estate, wards and heirs, nature of cause, and proceedings of court. Arr. chron. by court terms, thereunder num. by cause nos. No index. Hdw. 525 pp. 16 x 12 x 3. Attic stor. rm.

170. BAR DOCKET, 1852-May term 1871. 4 vols. (A, B, 3, and 1 vol. not labelled). Title varies: Bench Docket, 1852-63, vol. A.

Minutes of court in civil and criminal causes of circuit court, showing court term, cause number, names of plaintiff, defendant and attorneys, kind of action, date of filing, and court proceedings. Arr. chron. by court terms, thereunder num. by cause nos. No index. Hdw. 150 pp. 18 x 12 x 1½. Attic stor. rm.

171. BAR DOCKET, 1860-Nov. 16, 1871. 6 vols.

Minutes of court in civil and criminal causes in common pleas court, showing information as in entry 170. Arr. chron. by court terms, thereunder num. by cause nos. No index. 150 pp. 15 x 10 x 1½. Attic stor. rm.

172. RECORD OF RECEIVERSHIPS, 1911, 1914. 1 vol.

Minutes of proceedings in receivership actions, showing cause number, court term, dates of filing and action, names of plaintiff, defendant and attorneys, and action taken. Arr. chron. by court terms. Indexed alph. by names of plaintiffs and defendants. Typed. 592 pp. 18 x 12 x 3. Clk. rec. rm.

ORDERS

173. ORDER BOOK, CIVIL, 1851-. 87 vols. (1-87).

Record of actions and proceedings in civil causes, showing court term, dates of action and filing, names of plaintiff, defendant and attorneys, and number and disposition of cause. Also contains: Register of Insurance Certificates, 1880-89, entry 73; Complete Record, 1898-1916, 1925-, entry 193; Order Book, Criminal, 1851-75, entry 203. Arr. by court terms, thereunder num. by cause nos. 1851-Oct. 9, 1902, indexed alph. by names of plaintiffs; Oct. 10, 1902-, indexed alph. by names of plaintiffs and defendants. 1851-Jan. 1, 1914, hdw.; Jan. 7, 1914-, typed. 580 pp. 18 x 12 x 3. 86 vols., 1851-Feb. 27, 1936, clk. rec. rm.; 1 vol., Mar. 3, 1936-, clk. off.

174. ORDER BOOK, COMMON PLEAS, 1853-73. 7 vols. (1-7).

Record of orders and proceedings in civil and criminal causes of common pleas court, showing date of order, court term, names of plaintiff and defendant, and number, nature and disposition of cause. Arr. by court terms, thereunder num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 576 pp. 18 x 12 x 3. Clk. rec. rm.

JUDGMENTS

175. INDEX TO JUDGMENTS [Judgment Docket], 1843-. 25 vols. (1-20, 20-24). Title varies: Judgment Docket, 1843-1934, 24 vols.

Record of judgments rendered in civil and criminal causes, showing dates of judgment, filing of transcript and satisfaction, names of plaintiff, defendant and attorneys, amounts of judgment cost and total, number and nature of cause, and volume and page references to Entry Docket & Issue Docket and Fee Book [Civil], entry 145; Order Book, Civil, entry 173; Execution Docket, entry 180; Entry & Issue Docket and Fee Book, Criminal, entry 195; Order Book, Criminal, entry 203; and file box reference to Miscellaneous [Instruments], entry 58. 1843-60, June 2, 1873-, arr. alph. by names of plaintiffs and defendants; 1861-Apr. 9, 1873, arr. chron. by dates of judgments. 1843-60, 1898-, no index; 1861-Apr. 9, 1873, indexed alph. by names of plaintiffs and defendants; for index, 1872-97, see entry 176. Hdw. 321 pp. 17 x 13 x 3. Clk. rec. rm.

176. GENERAL INDEX OF JUDGMENTS, 1872-97. 3 vols. (2 vols. not labelled, AZ). Discontinued.

General index to judgments, showing dates of judgment, filing and satisfaction, names of plaintiff and defendant, amounts of judgment and costs, cause number, and volume and page reference to Order Book, Civil, entry 173; Index to Judgments [Judgment Docket], entry 175; Execution Docket, entry 180; Order Book, Criminal, entry 203; Fee Book, entry 251. Arr. alph. by names of plaintiffs and defendants. Hdw. Condition poor. 480 pp. 18 x 12 x 2½. Clk. rec. rm.

177. JUDGMENT DOCKET, COMMON PLEAS, 1853-73. 5 vols. (1-5).

Record of judgments rendered in civil and criminal causes, showing dates of judgment, filing transcripts, assignment and satisfaction, names of plaintiff, defendant and attorneys, amounts of judgment, cost and attorney's lien, number and nature of cause, and volume and page reference to Order Book, Common Pleas, entry 174; Execution Docket, Common Pleas, entry 182; Fee Book, Common Pleas Court, entry 252. 1853-June 4, 1868, arr. chron. by dates of judgments; June 5, 1868-73, arr. alph. by names of plaintiffs and defendants. 1853-June 4, 1868, indexed alph. by names of plaintiffs and defendants; June 5, 1868-73, no index. Hdw. 318 pp. 18 x 12 x 2½. Clk. rec. rm.

EXECUTIONS (see also entries 264, 265)

178. PRAECIPE, 1861-75, 1884-. 6 vols. (1-3, and 3 vols. not numbered).

Record of orders issued by attorneys of record or plaintiffs to clerk to prepare or issue to sheriff writs of execution of court decrees, or to prepare transcripts on appeal or change of venue, showing dates of praecipe and decree, names of plaintiff, defendant and attorney, and nature and number of cause. Arr. chron. by dates of praecipies. No index. Hdw. 279 pp. 12 x 8 x 1½. 4 vols., 1861-75, 1884-Jan. 28, 1897, attic stor. rm.; 1 vol., Feb. 4, 1897-Aug. 24, 1921, clk. rec. rm.; 1 vol., Dec. 2, 1921-, clk. off.

179. PRAECIPE WITNESSES, 1852-78. 4 vols. (1-4).

Record of orders of attorney of record or plaintiff to clerk to prepare or issue subpoenas, summons, executions, and notices in common pleas court, 1852-73, and circuit court, 1874-78, for witnesses, showing court term, dates of order and issue, names of plaintiff, defendant and attorneys, and number and nature of cause. Arr. chron. by dates of issue. No index. Hdw. 250 pp. 11 x 9 x 1½. Attic stor. rm.

180. EXECUTION DOCKET, 1852-. 13 vols. (1-13).

Record of executions of court decrees in settlement of judgments, showing dates of writ, judgment and sheriff's return, date and time of sale, names of plaintiff, defendant and attorneys, amounts of judgment, interest, costs and total, cause number, description and location of property, and volume reference to Entry & Issue Docket and Fee Book [Civil], entry 145; Order Book, Civil, entry 173; Index to Judgments [Judgment Docket], entry 175; Entry & Issue Docket and Fee Book, Criminal, entry 195; Order Book, Criminal, entry 203. 1852-60, arr. alph. by names of plaintiffs; 1861-, arr. chron. by dates of writs. 1852-60, no index; 1861-97, indexed alph. by names of plaintiffs; 1898-, indexed alph. by names of plaintiffs and defendants. Hdw. 592 pp. 18 x 12 x 3. Clk. rec. rm.

181. EXECUTIONS, 1850-. 36 f. b.

Court orders for execution of judgment decrees, showing dates of judgment, officer's return and filing, names of plaintiff, defendant and attorneys, amounts of judgment, costs and total, cause and writ numbers, and volume and page reference to Entry & Issue Docket & Fee Book [Civil], entry 145; Order Book, Civil, entry 173; Index to Judgments [Judgment Docket], entry 175; Execution Docket, entry 180; Order Book, Criminal, entry 203. Also contains: Sheriff's Certificates of Sale, 1850-80, 1885-1927, 1938-, entry 188. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

182. EXECUTION DOCKET, COMMON PLEAS, 1853-73. 3 vols. (1-3).

Record of executions of court decrees in settlement of judgments, showing dates of judgment, writ and return, names of plaintiff and defendant, amounts of judgment, interest, costs and total, cause number, kind of writ, and receipt of return of writ. Arr. chron. by dates of writs. Indexed alph. by names of plaintiffs. Hdw. 288 pp. 18 x 12 x 3. Clk. rec. rm.

183. EXECUTION, COMMON PLEAS, 1853-73. 6 f.b.

Court orders for execution of judgment decrees, showing dates of court term, judgment, officer's return and filing, names of plaintiff, defendant and attorneys, amounts of judgment, costs and total, writ and cause numbers, and volume and page reference to Order Book, Common Pleas, entry 174; Judgment Docket, Common Pleas, entry 177; Execution Docket, Common Pleas, entry 182; Fee Book, Common Pleas Court, entry 252. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

184. TRANSCRIPTS TO BIND REAL ESTATE, 1852-. 9 f. b.
Title varies: Transcripts.

Transcripts to bind real estate for execution of judgments rendered in causes of justice of the peace court, showing dates of judgment, issue and filing, names of plaintiff, defendant, township and justice of the peace, amounts of judgment, interest, costs and total, cause number, proceedings and decision of court, constable's return, and volume and page reference to Entry & Issue Docket & Fee Book [Civil], entry 145; Order Book, Civil, entry 173; Index to Judgment [Judgment Docket], entry 175; Transcript Fee Book, entry 256. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. 1 f.b., 1932, clk. off.; 8 f.b., 1852-, clk. rec. rm.

185. [LIS PENDENS COMPLAINTS], 1878-. 1 vol.

Record of complaints filed against owners of property which may be subject to possible judgment, showing date and time of recording and satisfaction, names of plaintiff, defendant, attorneys and court, nature of complaint, cause number, location and description of property, volume and page reference to Order Book, Civil, entry 173; and file box reference to Miscellaneous [Instruments], entry 58. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. and typed. 528 pp. 18 x 12 x 3. Clk. rec. rm.

186. [LIS PENDENS SHERIFF'S NOTICES], 1877-. 1 vol. Last entry May 13, 1937.

Record of notices of levies upon or attachment of property by

sheriff upon orders issued by clerk of the circuit court, showing dates of notice, satisfaction and recording, time of recording, names of plaintiff, defendant, attorneys and court, cause number, and description and location of property. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. 534 pp. 18 x 12 x 3. Clk. rec. rm.

187. LIS PENDENS RECORD, SHERIFF'S CERTIFICATES, 1881-.
3 vols. (1-3).

Record of certificates of sale issued to purchasers of property sold at sheriff's sale to satisfy judgments, showing dates of judgment, sale, certificate and assignment, date and time of recording, names of plaintiff, defendant, purchaser and assignee, amounts of judgment and sale, cause number, conditions of sale, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. and typed. 592 pp. 18 x 12 x 3. Clk. rec. rm.

188. SHERIFF'S CERTIFICATES OF SALE, 1881-84, 1928-37.
2 f. b. 1850-80, 1885-1927, 1938- in Executions,
entry 181.

Certificates of sale issued by sheriff for property sold on court order, showing dates of court order, judgment and filing, names of plaintiff, defendant, owner and purchaser, location and description of property, cause number, date and amount of sale, amount of costs, and volume and page reference to Lis Pendens Record, Sheriff's Certificates, entry 187. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. 1 f. b., 1881-84, clk. rec. rm.; 1 f. b., 1928-37, sher. off.

189. LIS PENDENS RECORD, REDEMPTION OF LANDS, 1885-1909.
1 vol.

Record of documents pertaining to redemption of property sold at sheriffs' sales, including:

- i. Certificates of entry of redemption of property by owners, showing cause number, dates of judgment, sale, redemption and recording, names of plaintiff, defendant and redeemer, amounts of judgment and redemption, location and description of property, and volume and page reference to Lis Pendens Record, Sheriff's Certificates, entry 187.
- ii. Record of affidavits in redemption of property sold at sheriffs' sales, showing information as in entry 191.

- iii. Record of certificates of redemption of property sold at sheriffs' sales, showing information as in entry 190. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. 578 pp. 18 x 12 x 3. Clk. rec. rm.

190. REDEMPTION RECORD, CERTIFICATE, 1879-1902. 1 vol. Record of certificates of redemption of property sold at sheriffs' sales, showing cause number, dates of redemption and recording, names of plaintiff, defendant and redeemer, amount of redemption, and location and description of property. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. 588 pp. 18 x 12 x 2½. Clk. rec. rm.

191. REDEMPTION RECORD, STATEMENTS & AFFIDAVITS, 1879-96. 1 vol.

Record of affidavits in redemption of property sold at sheriffs' sales, showing cause number, dates of affidavit and recording, names of plaintiff, defendant and affiant, amounts of judgment and interest, location and description of property, conditions of affidavit, and volume and page reference to Execution Docket, entry 180. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. 588 pp. 18 x 12 x 2½. Clk. rec. rm.

192. GROSS INCOME TAX, 1936-. 1 f.d.

Copies of warrants for collection of delinquent gross income tax, 1936-, and delinquent unemployment compensation fund payments, 1937-, showing dates of warrants, service, return and filing, names of defendant, amounts of tax or contribution, penalty, interest and costs, file and warrant numbers, and receipts of returns. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Clk. rec. rm.

COMPLETE TRANSCRIPTS

193. COMPLETE RECORD, 1852-97, 1917-24. 7 vols. (1-7).

1898-1916, 1925—in Order Book, Civil, entry 173. Complete transcripts of actions and proceedings in civil causes, showing court term, dates of filing of action and recording, names of plaintiff, defendant, estate, heirs, wards, administrator, gaurdian, number and nature of cause, and proceedings. Arr. chron. by dates of recording. 1852-74, 1894-97, 1917-24, indexed alph. by names of plaintiffs and defendants; 1879-94; indexed alph. by names of plaintiffs. 1852-97, hdw.; 1917-24, typed. 586 pp. 18 x 12 x 3. Clk. rec. rm.

194. COMPLETE RECORD, COURT COM[mon] PLEAS, 1853-61.
1 vol.

Complete transcripts of all actions and proceedings in civil and criminal causes, showing dates of filing, court action and recording, names of plaintiff, defendant and attorneys, number and nature of cause, and proceedings of court. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs. Hdw. 588 pp. 18 x 12 x 3. Clk. rec. rm.

CRIMINAL CAUSES

(See also entries 146, 147, 149, 168-171, 174-177, 180, 181, 194)

ENTRY OF CAUSES

195. ENTRY & ISSUE DOCKET AND FEE BOOK, CRIMINAL, 1917-.
9 vols. (1-9). 1912-July 26, 1917 in Entry & Issue
Docket & Fee Book [Civil], entry 145.

Record of entries, issues and fees in criminal causes, showing dates of filing, issuance of writ and officer's return, names of attorneys, plaintiff and defendant, amounts of fees, costs and total, number and nature of cause, court proceedings, and volume and page reference to Order Book, Criminal, entry 203, and file box reference to Civil and Criminal [Causes Decided], entry 150. This is a combination of criminal causes in three records formerly kept separately: Entry Docket, 1861-Nov. 22, 1912, entry 146; Issue Docket, 1852-98, entry 164; and Fee Book, 1851-Nov. 22, 1912, entry 251. Arr. num. by cause nos. 1917-Jan. 22, 1924, indexed alph. by names of plaintiffs and defendants; Jan. 22, 1924-, indexed alph. by names of defendants. Hdw. 590 pp. 18 x 12 x 3. Clk. rec. rm.

ORIGINAL DOCUMENTS

196. [CRIMINAL CAUSES PENDING], 1932-. 1 f. d. (S).
Original instruments of criminal causes pending including affidavits, indictments, answers, denials, motions, bonds and writs, showing date of instrument, nature and number of cause, names of defendant and attorneys, and proceedings. Arr. num. by cause nos. No index. Hdw. and typed. 11 x 10 x 14. Cir. ct. rm.

AFFIDAVITS AND INDICTMENTS

197. RECORD OF AFFIDAVITS FOR PROSECUTION, 1920-25. 1 vol.
Discontinued.

Record of affidavits filed in criminal causes, showing dates of affidavit, recording, filing and alleged offense, names of affiant, defendant, and witnesses, and number and nature of

cause. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs and defendants. Hdw. and typed. 592 pp. 16 x 2 x 3. Clk. rec. rm.

For original affidavits, see Civil and Criminal [Causes Decided], entry 150.

198. RECORD OF INDICTMENTS, 1853-. 5 vols. (1, 3, 2, 4, 5). Transcripts of indictments returned by grand jury for criminal causes, showing dates of indictment, filing, recording, and alleged offense, names of defendant, witnesses and jury foreman, and number and nature of cause. 1 vol., 1853-Sept. 28, 1865, arr. chron. by court terms; 1 vol., Sept. 29, 1865-Apr. 12, 1876, arr. num. by cause nos.; 2 vols. May 5, 1871-1903, arr. by court terms, thereunder chron. by dates of recording; 1 vol., 1905-, arr. by court terms, thereunder num. by cause nos. 1 vol., 1853-Sept. 28, 1865, indexed alph. by names of plaintiffs; 4 vols., Sept. 29, 1865-, indexed alph. by names of defendants. Hdw. and typed. 604 pp. 18 x 12 x 3. Clk. rec. rm.

BONDS

199. RECOGNIZANCE BOND RECORD, 1885-. 2 vols.

Record of bonds posted to assure appearance of defendants in court, showing court term, dates of bond, approval, filing and recording, names of plaintiff, defendant and sureties, amount and conditions of bond, cause number, and nature of charge. Arr. chron. by dates of recording. Indexed alph. by names of defendants; for separate index, 1899-1916, see entry 48. Hdw. 380 pp. 16 x 11 x 2. 1 vol., 1885-Dec. 7, 1895, attic stor. rm.; 1 vol., Dec. 17, 1895-, clk. rec. rm.

200. RECOGNIZANCE BONDS, 1937-. 1 f.b. 1850-1936 in Civil and Criminal [Causes Decided], entry 150; 1893-95, 1900, 1910-12, 1927 also in Miscellaneous [Instruments], entry 58.

Original bonds posted to assure appearance of defendants in court, showing dates of bond, approval and filing, names of defendant and sureties, amount and conditions of bond, number and nature of cause, and volume and page reference to Recognizance Bond Record, entry 199. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Clk. rec. rm.

MINUTES

201. CRIMINAL BENCH DOCKET [Causes Pending], 1932-. 1 vol. Record of proceedings in criminal causes pending, showing cause number, dates of filing and action, names of plaintiff,

defendant and attorneys, nature of charge, amount of costs, minutes of court, volume and page references to Entry & Issue Docket & Fee Book, Criminal, entry 195 and Order Book, Criminal, entry 203, and file box reference to Civil and Criminal [Causes Pending], entry 150. Arr. num. by cause nos. No index. Hdw. and typed. 50 pp. 12 x 13 x 1½. Clk. off.

202. CRIMINAL [Causes Decided], 1910-. 1 f.d. 1852-1909 and also 1910-May term 1914 in Court Docket [Civil and Criminal], entry 168.

Docket sheets of criminal causes decided, including judge's docket sheets, 1910-23 and court docket sheets, 1917-, showing cause number, dates of filing and action, title of cause, names of attorneys, minutes of court, volume and page references to Entry & Issue Docket & Fee Book, Criminal, entry 195, and Order Book, Criminal, entry 203, and file box reference to Civil and Criminal [Causes Decided], entry 150. Arr. num. by cause nos. No index. Hdw. and typed. 15 x 13 x 26. Clk. off.

ORDERS

203. ORDER BOOK, CRIMINAL, 1876-. 14 vols. (1-14). 1851-75 in Order Book, Civil, entry 173.

Record of actions and proceedings in criminal causes, showing court term, dates of action and filing, names of plaintiff and defendant, and number and disposition of cause. Arr. num. by cause nos. Indexed alph. by names of defendants. 1876-July 1909, hdw.; Aug. 1909-, typed. 580 pp. 18 x 12 x 3. 13 vols., 1876-Oct. 1935, clk. rec. rm.; 1 vol., Nov. 1935-, clk. off.

PROBATE CAUSES

(See also entry 151)

ENTRY OF CAUSES

204. ADMINISTRATOR'S FEE DOCKET, 1912-. 7 vols. (1-7) Title varies: Estate, Entry, Claim and Allowance Docket and Fee Book, 1912-26, 3 vols.

Record of filing of actions, claims, allowances and costs in estates causes, showing dates of decedent's death, will, administrator's or executor's letters, satisfaction of claim and filing, dates and amounts of costs, fees, inventory and appraisement, sale, claim and allowance, names of decedent, and sureties, amount of bond, estate number, and volume and page reference to Will Record, entry 213; Inventory Record, entry 222; Order Book, Probate, entry 232; Record of Sale Bills, entry 233; and file box reference to Probate [Causes

Decided], entry 212. This is a combination of three records formerly kept separately: Probate Entry Docket, 1856-Nov. 11, 1912, entry 206; General Entry, Claim and Allowance Docket, 1884-Nov. 11, 1912, entry 207; Fee Book, Probate, Administrators and Executors, 1851-Nov. 1912, entry 254. Arr. num. by cause nos. Indexed alph. by names of decedents. Hdw. 295 pp. 18 x 17 x 3. Clk. rec. rm.

205. GUARDIANSHIP DOCKET AND FEE BOOK, 1912-. 2 vols. (1, 2).

Record of filing of actions and cost in guardianship causes, showing dates of letters of guardianship, names and age of wards, names of guardian or decedent, heirs, appraiser and sureties, amounts of fees, costs, bond, inventory and appraisement, cause number, court proceedings, volume and page reference to Inventory Record, entry 222; Order Book, Probate, entry 232; Record of Sale Bills, entry 233; and file box reference to Probate [Causes Decided], entry 212. This is a combination of three records formerly kept separately: Entry Docket, 1856-Nov. 11, 1912, entry 206; Guardianship Docket, 1866-Oct. 23, 1912, entry 228; Fee Docket, Guardians, 1853-1911, entry 255. Arr. num. by cause nos. Indexed alph. by names of guardianships and decedents. Hdw. 307 pp. 18 x 12 x 3. Clk. rec. rm.

206. PROBATE ENTRY DOCKET, 1856-Nov. 11, 1912. 3 vols. (1-3). Estates 1912- in Administrators Fee Docket, entry 204; Guardianships, 1912- in Guardianship Docket and Fee Book, entry 205.

Record of filing of actions in estate and guardianship causes, showing dates of decedent's death and letters of administrator, executor or guardian, cause number, names of estate or guardianship, administrator, executor or guardian and wards, and sureties, amount of bond, volume and page reference to Order Book, Probate, entry 232; and file box reference to Probate [Causes Decided], entry 212. Arr. num. by cause nos. No index. Hdw. 319 pp. 18 x 12 x 3. Clk. rec. rm.

207. GENERAL ENTRY, CLAIM & ALLOWANCE DOCKET, 1884-Nov. 11, 1912. 4 vols. (1-4). 1912- in Administrator's Fee Docket, entry 204.

Record of claims, allowances, and proceedings in settlement of claims against estates, showing court term, dates of executor's or administrator's appointment and filing, names of estate, administrator or executor, sureties and claimant, date, number and amount of claim, amounts of bond, inventory and appraisement and sale, dates and amounts of allowances, court

proceedings, and volume and page reference to Inventory Record, entry 222; Order Book, Probate, entry 232; Sale Bill Record, entry 233. This is a combination of two records formerly kept separately; Appearance Docket, 1853-81, entry 208; Allowance Docket, 1853-Jan. 26, 1886, entry 209. Arr. num. by cause nos. Indexed alph. by names of estates. Hdw. 430 pp. 17 x 15 x 2. Clk. rec. rm.

208. APPEARANCE DOCKET, 1853-81. 8 vols. (1-8). 1884-Nov. 11, 1912 in General Entry, Claim, & Allowance Docket, entry 207.

Record of filing of claims in estate causes, showing court term, dates of filing, claim and settlement, names of estate, administrator or executor, attorneys and claimant, nature and amount of claim, cause number, and court proceedings. Arr. by court terms, thereunder by cause nos. Hdw. 386 pp. 17 x 15 x 2. Attic stor. rm.

209. ALLOWANCE DOCKET, 1853-86. 2 vols. (1, 2). 1884-Nov. 11, 1912 in General Entry, Claim and Allowance Docket, entry 207.

Record of allowances made for claims against estates, showing dates and amounts of allowance and payment, names of estate, administrator or executor and claimant, cause number, and volume and page reference to Order Book, Probate, entry 232. Arr. num. by cause nos. Indexed alph. by names of estates. Hdw. 292 pp. 18 x 12 x 2. 1 vol., 1853-Nov. 1863, attic stor. rm.; 1 vol. Nov. 1863-86, clk. rec. rm.

ORIGINAL DOCUMENTS

210. ESTATE [Causes Pending], 1905-. 29 f. b. (A, B, B-M, Mc, M-Z, and 1 f. b. not labelled). Title varies: Final Report Set for Hearing, 1938-, 1 f. b.

Original instruments of estate causes filed and pending settlement, including reports, waivers of notice, affidavits, appointments, inventory and appraisements of personal property, bonds posted, proofs of publication, petitions, and current accounts, showing dates of instrument and filing, names of executor or administrator, estate, appraiser and sureties, amounts of estate and bond, cause number, kind and conditions of instrument, and nature of cause and action taken. Arr. alph. by names of estates. No index. Hdw. and typed. 11 x 5 x 14. 28 f. b., 1905-37, clk. rec. rm.; 1 f. b., 1938-, clk. off.

211. GUARDIAN [Causes Pending], 1900-. 29 f. b. (A, B, B-M, Mc, N-P, P-Z).

Original instruments of guardianship causes pending settlement,

including applications for letters, petitions to court, inventories, bonds and current accounts, showing dates of instrument and filing, names of guardianship, guardian and sureties, amount of bond, kind and conditions of instrument, guardianship number, and description and valuation of property. Arr. alph. by names of guardianships. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

212. PROBATE [Causes Decided], 1850-. 188 f. b. (1-187, and 1 f. b. not labelled). Title varies: Guardian, 1874-88, 1 f. b. 1852- also in Miscellaneous [Instruments], entry 58.

Original instruments in settlement of guardianship and estate causes, including applications for and letters of administrators, guardians and executors, inventories, reports, orders of sale, bonds posted, oaths, petitions, current accounts, orders determining value of estate, proofs of publication, and complaints, showing dates of instrument and filing, names of estate, guardian, executor or administrator and sureties, kind and conditions of instrument, amount of bond, number and disposition of cause, and volume and page reference to Administrator's Fee Docket, entry 204; Order Book, Probate, entry 232. Arr. by dates of filing. For index, see entry 149. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

WILLS (see also entries 133vi, 139vi)

213. WILL RECORD, 1848-. 6 vols. (1-6).

Transcripts of wills filed for probate and record of proof of wills, certificate of probate and appointment of executor, showing dates of will and filing, names of testator, executor, heirs and affiants, and conditions of will. Arr. chron. by dates of filing. Indexed alph. by names of testator. 1848-Apr. 6, 1909, hdw.; Apr. 14, 1909-, typed. 592 pp. 18 x 12 x 2. Clk. rec. rm.

214. LAST WILL AND TESTAMENT, 1845-. 9 f. b.

Original wills filed for probate, with proofs of wills and certificates of probate attached, showing dates of will, testator's death, proof, recording and filing, names of heirs, witnesses and testator, cause number, conditions of will, and volume and page reference to Will Record, entry 213. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. 7 f. b., 1845-1935, clk. rec. rm.; 2 f. b., 1936-, clk. off.

BONDS

215. RECORD OF ADMINISTRATORS' BONDS AND OATHS, Mar. 16, 1874-. 7 vols. (3-9). 1851-Mar. 5, 1874 in Administrators' Ex[ecutors'] & Guar[dians'] Bonds, Oaths, and Letters, entry 220.

Record of letters granted to, oaths taken and bonds posted by administrators of estates, showing dates of bond, approval, letters, oath and filing, names of estate, administrator and sureties, and amount and conditions of bond. Also contains: Record of Executors' Bonds and Oaths, 1904-Nov. 18, 1922, entry 216. Arr. chron. by dates of bonds. Indexed alph. by names of estates and administrators; for separate index, 1899-1916, see entry 48. Hdw. 439 pp. 16 x 11 x 2½. Clk. rec. rm.

216. RECORD OF EXECUTORS' BONDS AND OATHS, 1875-Aug. 4, 1904, Dec. 18, 1922-. 2 vols. (3, 1). 1852-Jan. 24, 1875, in Administrators' Ex[ecutors'] & [Guar]dians' Bond, Oath, and Letters, entry 220; 1904-Nov. 18, 1922, in Record of Administrators' Bonds and Oaths, entry 215.

Record of oaths taken and bonds posted by executors in settlement of estates, showing dates of bond, approval, oath and filing, names of estate, executor and sureties, amount and conditions of bond, and cause number. Arr. chron. by dates of approval. 1875-Aug. 4, 1904, indexed alph. by names of estates; Dec. 18, 1922-, indexed alph. by names of estates and executors; for separate index, 1899-1916, see entry 48. Hdw. 320 pp. 16 x 11 x 1½. Clk. rec. rm.

217. GUARDIANS' BONDS AND LETTERS, 1872-. 6 vols. (8-8). 1852-71 in Administrators', Ex[ecutors'] & Guar[dians] Bonds, Oaths, and Letters, entry 220.

Record of bonds posted and oaths taken by persons administering guardianships, showing dates of bond, approval, oath and filing, names of guardianship, guardian, wards and sureties, and amount and conditions of bond. Arr. chron. by dates of approval. Indexed alph. by names of guardianships, guardians and wards; for separate index, 1899-1916, see entry 48. Hdw. 454 pp. 16 x 11 x 3. Clk. rec. rm.

218. ADMINISTRATORS BONDS TO SELL REAL ESTATE, 1865-91. 1 vol. 1861-64 in Administrators', Ex[ecutors'] & Guar[dians'] Bond, Oath, and Letters, entry 220. Discontinued.

Record of bonds posted by administrators and commissioners to sell real estate in settlement of estates, showing dates of bond and approval, names of estate, administrator, commis-

sioner and sureties, and amount and conditions of bond. Arr. chron. by dates of approval. Indexed alph. by names of administrators and commissioners. Hdw. 328 pp. 16 x 11 x 1. Clk. rec. rm.

For original bonds to date, see entries 210, 212.

219. GUARDIANS' BONDS TO SELL REAL ESTATE, 1865-90. 1 vol. 1851-64 in Administrators', Ex[ecutors'] & Guar[dians'] Bonds, Oaths and Letters, entry 220. Discontinued.

Record of bonds posted by guardians and commissioners to sell real estate in settlement of guardianships, showing dates of bond and approval, names of guardian, commissioners, plaintiff, defendant, estate, heirs and sureties, and amount and conditions of bond. Arr. chron. by dates of approval. Indexed alph. by names of guardians, commissioners, plaintiffs and wards. Hdw. 344 pp. 16 x 11 x 2. Clk. rec. rm.

For original bonds to date, see entries 211, 212.

220. ADMINISTRATORS' EX[ecutors'] & GUAR[dians'] BOND, OATH, AND LETTERS, 1851-75. 2 vols. (A, 2).

Record of administrators', executors' and guardians' bonds, oaths and letters, showing dates of bond, approval, oath, letters and filing, names of estate, administrator, executor or guardian and sureties, and amount and conditions of bond. This is a combination of five records later kept separately: Record of Administrators' Bonds and Oaths, 1874-, entry 215; Record of Executors' Bonds & Oaths, 1875-Aug. 4, 1904, 1922-, entry 216; Guardians' Bonds and Letters, 1872-, entry 217; Administrators Bonds to Sell Real Estate, 1865-91, entry 218; Guardians' Bonds to Sell Real Estate, 1865-90, entry 219. Arr. by types of bonds, thereunder chron. by dates of bonds. Indexed alph. by names of administrators, executors and guardians. Hdw. 560 pp. 18 x 12 x 3. Clk. rec. rm.

221. RECORD OF LETTERS TESTIMENTARY ADMINISTRATION & GUARDIANSHIP, 1851-62. 1 vol.

Record of letters granted administrators, executors and guardians in settlement of estates and guardianships, showing date of letters, and names of estate or guardianship and administrator, executor or guardian. Arr. by types of letters, thereunder chron. by dates of letters. Indexed alph. by names of estates and guardians. Hdw. 500 pp. 17 x 11 x 2. Clk. rec. rm.

INVENTORIES

222. INVENTORY RECORD, 1860-. 10 vols. (1, 1 vol. not numbered, 3, 5-11).

Record of inventories of personal property in estate and

guardianship causes, showing dates of appraisers' report and recording, names of estate or guardianship, administrator, executor or guardian and appraiser, itemized list and appraised valuation of property, and amounts of property retained by widows and heirs. Also contains: Record of Inventory, Real Estate, 1914-, entry 223. Arr. chron. by dates of recording. Indexed alph. by names of estates and guardianships. Hdw. 586 pp. 18 x 12 x 3. Clk. rec. rm.

223. RECORD OF INVENTORY, REAL ESTATE, 1860-79. 1 vol.

(1). 1914-in Inventory Record, entry 222.

Record of inventories and appraisements of real estate involved in settlements of estates and guardianships, showing dates of inventory, appraisers' report and filing, names of estate or guardianship, administrator, executor or guardian and appraisers, and location, description and appraised valuation of property. Arr. chron. by dates of filing. Indexed alph. by names of estates and guardianships. Hdw. 586 pp. 18 x 12 x 3. Clk. rec. rm.

224. INVENTORY AND APPRAISEMENT, June 8, 1877. 1 vol.

Inventory and appraisal of property of Nees and Company, Brazil, in surviving partnership cause, showing dates of appraisal, appointment of appraisers and filing, names of partnership, surviving partner and appraisers, and itemized list of property. No orderly arr. No index. Hdw. 355 pp. 12 x 8 x 1. Clk. rec. rm.

MINUTES

225. INDEX [Estates and Guardianships], 1912-. 1 vol. Index to probate [Court Docket, Pending Causes], entry 226, and partial index to Probate [Court Docket Sheets], entry 227, showing cause number and names of estate and guardianships. Arr. alph. by names of estates and guardianships. Hdw. 200 pp. 9 x 6 x 1. Clk. off.

226. PROBATE [Court Docket, Pending Causes], 1912-. 1 vol.

Record of actions and proceedings in pending estate and guardianship causes, showing same information as in entry 227. Arr. num. by cause nos. For index, see entry 225. Hdw. and typed. 360 pp. 12 x 13 x 3. Clk. off.

227. PROBATE [Court Docket Sheets], 1882-. 130 vols.

1 f.d. Title varies: Appearance Docket, 1890-1900, 43 vols.

Court record of actions and proceedings in estate and guardianship causes decided, showing dates of filing and appointment

of administrator, executor or guardian, cause number, names of estate or guardianship, administrator, executor or guardian and wards, sureties and attorneys, amount of bond, minutes of court, volume and page reference to Order Book, Probate, entry 232, and file box reference to Probate [Causes Decided], entry 212. Arr. num. by cause nos. 1882-1911, no index; for index, 1912-, see entry 225. Hdw. and typed. Vols., 100 pp. 18 x 12 x 1; f.d., 15 x 13 x 26. 130 vols., 1882-1919, attic stor. rm.; 1 f.d., 1894-, clk. off.

228. GUARDIANSHIP DOCKET, 1866-Oct. 23, 1912. 2 vols. (1 vol. not numbered, 2). 1912-in Guardianship Docket and Fee Book, entry 205.

Record of proceedings in settlement of guardianship causes, showing dates of report and letters, name and birth date of ward, names and addresses of guardian and sureties, amount of bond, cause number, court proceedings, and volume and page reference to Order Book, Probate, entry 232; file box reference to Probate [Causes Decided], entry 212. Arr. num. by cause nos. Indexed alph. by names of wards. Hdw. 295 pp. 18 x 12 x 3. Clk. rec. rm.

229. GUARDIAN DOCKET, COMMON PLEAS, 1852-75. 3 vols. (1-3).

Record of actions and proceedings in guardianship causes of common pleas court, showing dates of letters and reports, cause number, names of wards, guardian and sureties, amount of bond, and proceedings. Arr. num. by cause nos. No index. Hdw. 18 x 12 x 2. Attic stor. rm.

230. [GUARDIANS' REPORTS], 1889-96. 1 vol.

Reports of receipts and disbursements in guardianships of Sarah Trout and Nettie and Charles Miller, showing date and number of report, amount of receipts and disbursements, names of payer, payee, guardian and wards, voucher number, total receipts and disbursements, and date of approval. Arr. num. by report nos. No index. Hdw. 84 pp. 12 x 8 x ½. Attic stor. rm.

231. JUDGE'S DOCKET, PROBATE, 1864-Nov. term 1868. 1 vol. Minutes of common pleas court in estate and guardianship causes, showing court term, cause number, names of decedent, administrator, executor, guardian, wards, attorneys and sureties, dates of letters and reports, amount of bond, and court proceedings. Arr. chron. by court terms, thereunder num. by cause nos. No index. Hdw. 300 pp. 18 x 12 x 2. Attic stor. rm.

ORDERS

232. ORDER BOOK, PROBATE, 1852-. 49 vols. (1-3, 1-46). Record of actions and proceedings in probate causes, showing dates of filing, trial and settlement, names of estate, heirs and guardian, administrator or executor, and number, nature and disposition of cause. Arr. chron. by court terms, there-under num. by cause nos. Indexed alph. by names of plaintiffs, wards, and estates. 1852-Mar. 23, 1909, hdw.; Mar. 24, 1909-, typed. 588 pp. 18 x 12 x 3. Clk. rec. rm.

233. RECORD OF SALE BILLS, 1860-. 4 vols. (1-4). Record of sales of personal property in settlement of estates and guardianships, showing dates of sale and filing, names of estate or guardianship, administrator, executor or guardian, purchaser and sureties, inventory item number, description of items sold, and amount and terms of sale. Arr. chron. by dates of sales. Indexed alph. by names of estates and guardians. Hdw. and typed. 592 pp. 18 x 12 x 3. Clk. rec. rm.

234. [INHERITANCE TAX ORDERS, TAX DUE], July 1939-. 1 vol. Court orders determining values of estates and finding inheritance tax due, showing dates of order and filing, names of estate, administrator or executor, heirs and appraisers, location and description of property, value of estate, amount of tax, and lien. Arr. alph. by names of estates. No index. Hdw. 40 pp. 15 x 12 x 1½. Clk. off.

For prior orders, see entries 212, 237; for other inheritance tax records, see entries 235-237, 286, 287, 311, 312, 365.

235. [INHERITANCE TAX ORDERS, NO TAX], June 5, 1939-. 1 vol. Court orders determining value of estates and finding no inheritance tax due, showing dates of order and filing, names of estate, administrator or executor, heirs and appraisers, location and description of property, value of estate, and disposition. Arr. alph. by names of estates. No index. Hdw. 50 pp. 12 x 12 x 1½. Clk. off.

For prior orders, see entries 212, 237; for other inheritance tax records, see entries 234, 236, 237, 286, 287, 311, 312, 365.

236. INHERITANCE TAX RECORD, 1913-June 1939. 2 vols. (1 vol. not numbered, 2). Title varies: Inheritance and Transfer Tax Record, 1913-30, 1 vol. Discontinued.

Record of proceedings to determine value of property and amounts of inheritance and transfer taxes, showing cause number, dates of action and decedent's death, names of estate,

administrator or executor, appraiser and heirs, location and description of property, value of estate, amount of tax, and lien. 1913-30, no orderly arr. 1931-, arr. num. by cause nos. Indexed alph. by names of estates. Hdw. 587 pp. 18 x 13 x 2½. Clk. rec. rm.

For other inheritance tax records, see entries 234, 235, 237, 286, 287, 311, 312, 365.

237. INHERITANCE TAX MATTERS COMPLETED, 1936-. 1 f.b. Petitions for appraisement of property, reports of appraisers, affidavits of executors or administrators and heirs, and orders determining value of estates and amount of inheritance taxes, showing dates of instrument and filing, names of estate, administrator or executor, heirs and appraiser, location and description of property, value of estate, and amount of tax. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Clk. off.

For other inheritance tax records, see entries 234-236, 286, 287, 311, 312, 365.

COMPLETE TRANSCRIPTS

238. COMPLETE RECORD, 1852-59, 1872. 2 vols. (1 vol. not numbered, 2).

Complete transcripts of estate and guardianship causes, showing dates of action and recording, court term, names of plaintiff, defendant, estate or guardianship, administrator, executor or guardian, wards, heirs and appraisers, and nature, number and disposition of cause. Arr. chron. by dates of recording. Indexed alph. by names of plaintiffs, defendants, estates and guardianships. Hdw. 600 pp. 18 x 12 x 2. Clk. rec. rm.

For subsequent records, see entry 193.

JUVENILE CAUSES

239. JUVENILE, CURRENT, 1931-. 4 f.b.

Original instruments filed in juvenile causes, including bench warrants, writs, petitions and affidavits for delinquency, showing dates of instrument and filing, names of plaintiff and defendant, and number, nature and disposition of cause. Arr. chron. by dates of filing. For index, see entry 149. Hdw. and typed. 11 x 5 x 14. 1 f.b., 1931-Mar. 1, 1935, clk. rec. rm.; 3 f.b., Mar. 8, 1935-, clk. off.

For prior records, see entry 150.

240. PROBATE DOCKET [Juvenile Causes], 1907-. 2 vols.
Title varies: Court Docket, Clay Juvenile Court,
1907-June 1927, 1 vol.

Judge's record of action and proceedings in juvenile causes, showing dates of filing and trial, names of defendants and witnesses, nature of charge, cause number, and disposition of cause. Arr. num. by cause nos. For index, see entry 241. Hdw. 275 pp. 15 x 13 x 2½. 1 vol., 1907-June 1927, pub. welf. off.; 1 vol., July 1927-, judge's pvt. off.

241. INDEX [Juvenile Causes], 1907-. 2 vols. Title varies: Records, 1907-June 1927, 1 vol.

Index to Probate Docket [Juvenile Causes], entry 240, showing name of defendant, cause number, and page reference to recording. Arr. alph. by names of defendants. Hdw. 160 pp. 9 x 6 x 1. 1 vol., 1907-June 1927, pub. welf. off.; 1 vol., July 1927-, judge's pvt. off.

242. ORDER BOOK, JUVENILE COURT, 1907, 1919-24. 2 vols.
(1, 1). Discontinued.

Record of proceedings in juvenile court causes, showing court term, dates of filing and action, name of defendant, nature and number of cause, and court proceedings. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. and typed. 450 pp. 18 x 12 x 2. Clk. rec. rm.

MISCELLANEOUS COURT RECORDS

ASSIGNMENTS

243. RECORD OF ASSIGNMENTS, 1864-. 1 vol. (1).

Record of assignments and distribution of funds in settlement of estate and receivership causes, showing dates of assignment, receipt and disbursement, names of estate, administrator, assignor, receiver and appraiser, amounts of receipts, disbursements and total, and itemized list of property assigned. Arr. by types of assignments, thereunder chron. by dates of assignments. Indexed alph. by names of estates and assignors. Hdw. 564 pp. 18 x 12 x 3. Clk. rec. rm.

BONDS

244. BONDS, RECEIVERS', ETC., 1927-. 1 f. b.

Receivership and appeal bonds, showing cause number, names of estate, administrator and receiver, nature of action, dates of bond and filing, and amount and kind of bond. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

WITNESSES

245. WITNESS REGISTER, 1901-26. 3 vols. (2 vols. not numbered, 3). Discontinued.

Register of witnesses in civil, criminal and juvenile causes, showing court term, cause number, names of plaintiff and defendant, names and addresses of plaintiff's and defendant's witnesses, and numbers of miles travelled and days served. Arr. chron. by court terms, thereunder num. by cause nos. 1901-Mar. 1914, no index; Sept. 1914-26, indexed alph. by names of plaintiffs and defendants. Hdw. 320 pp. 12 x 10 x 2. Clk. rec. rm.

JURIES

246. GRAND JURY SUBPOENAS JURY BOX, 1929-. 3 f. b. Title varies: Court Orders Grand & Petit Jury Venire, 1929-32, 1 f. b.; Court Orders, Oaths, etc., 1933, 1 f. b.

Orders of court to clerk of circuit court to issue venires for petit and grand juries and lists of names of persons drawn for jury service, showing dates of order, list and filing, names and addresses of eligible persons, and sheriff's return. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

247. JUROR'S CERTIFICATES, 1874-Apr. 25, 1877. 1 vol. Stubs of certificates of jury service issued by clerk of the circuit court to jurors, showing date of certificate, name of juror, kind of service rendered, and total fees due juror for services. Arr. chron. by dates of certificates. No index. Hdw. 200 pp. 16 x 11 x 1. Attic stor. rm.

CHANGE OF VENUE (see also entries 399, 400)

248. CLERKS CHANGE OF VENUE RECORD, 1873-. 7 vols. (1-4, 4-6).

Record of causes venued to Clay County, showing dates of filing, disposal and delivery of statement to county treasurer for collection, names of plaintiff, defendant and county, itemized statement of expense of trial, total cost, and cause number. 1873-Apr. 19, 1912, no orderly arr.; May 20, 1912-, arr. chron. by dates of filing. 1873-Apr. 19, 1912, no index; May 20, 1912-, indexed alph. by names of plaintiffs and defendants. Hdw. 145 pp. 16 x 11 x 2. Clk. rec. rm.

249. CLAIMS OF CLAY COUNTY AGAINST OTHER COUNTIES FOR CHANGE OF VENUE, 1913-. 2 f. b. Title varies: Change of Venue Claims to Other Counties, 1935, 1 f. b.

Copies of claims of Clay County against foreign counties for

expenses incurred in causes venued from other counties, showing court term, dates of statement, disposition and filing, names of plaintiff and defendant, amount of claim, number and nature of cause, court proceedings, total costs, and volume and page references to Order Book, Civil, entry 173 and Order Book, Criminal, entry 203. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. 1 f. b., 1913-34, 1936-, aud. rec. rm.; 1 f. b., 1935, clk. rec. rm.

250. RECEIPTS FOR PAPERS ON CHANGE OF VENUE, 1932-. 1 f. b.

1890-1931 in Miscellaneous [Instruments], entry 58. Original receipts given clerk of the circuit court by clerks of the circuit courts of foreign counties for instruments of causes venued, showing court term, dates of receipt and filing, names of plaintiff, defendant and foreign county, cause number, and itemized list of instruments. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Clk. rec. rm.

FEE AND CASH RECORDS

251. FEE BOOK, 1851-Nov. 22, 1912. 37 vols. (1-37). Civil causes, Nov. 23, 1912-, and criminal causes, Nov. 23, 1912-July 26, 1917 in Entry & Issue Docket & Fee Book [Civil], entry 145. Criminal causes, 1917- in Entry & Issue Docket and Fee Book, Criminal, entry 195.

Record of fees and costs in civil causes, showing cause number, date of filing, names of plaintiff, defendant and attorneys, nature and amount of fees and costs, and date and amount of payment. Also contains: Fee Book, Criminal, 1851-95, 1897-Nov. 22, 1912, entry 253. Arr. num. by cause nos. Indexed alph. by names of plaintiffs and defendants. Hdw. 296 pp. 18 x 12 x 2. Clk. rec. rm.

252. FEE BOOK, COMMON PLEAS COURT, 1853-73. 7 vols. (1-7).

Record of fees and costs in civil and criminal causes of common pleas court, showing date of filing, names of plaintiff, defendant, attorneys and guardian, administrator or executor, amounts of fees, costs and total, date and amount of payment, and number and nature of cause. Arr. num. by cause nos. Indexed alph. by names of plaintiffs and defendants. Hdw. 296 pp. 18 x 12 x 2. Clk. rec. rm.

253. FEE BOOK, CRIMINAL, 1895-Feb. 2, 1907. 1 vol. (1). 1851-94, Feb. 3, 1907-12; also 1895, 1897-1906 in Fee Book, entry 251.

Record of fees and costs in criminal causes, showing cause

number, date and nature of indictment or affidavit, names of defendant and witnesses, date and amount of judgment, itemized statement of fees and costs, and date of satisfaction. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 300 pp. 18 x 12 x 2. Clk. rec. rm.

254. FEE BOOK, PROBATE, ADMINISTRATORS AND EXECUTORS, 1851-Nov. 1912. 7 vols. (1-7). 1912—in Administrator's Fee Docket, entry 204.

Record of fees and costs in settlement of estates, showing date of receipt, names of estate and administrator or executor, amounts of fees, costs and total, amount of bond, and estate number. Also contains: Fee Docket, Guardians, 1851-July 1867, entry 255. Arr. num. by cause nos. Indexed alph. by names of estates. Hdw. 431 pp. 18 x 12 x 3. Clk. rec. rm.

255. FEE DOCKET, GUARDIANS, 1867-1911. 4 vols. (2-5). 1851-July 1867 in Fee Book, Probate, Administrators and Executors, entry 254. 1912—in Guardianship Docket and Fee Book, entry 205.

Record of fees and costs in settlement of guardianship causes, showing court term, names of guardianship, guardian and wards, itemized list of fees, cause number, and file box reference to Probate [Causes Decided], entry 212. Arr. num. by cause nos. Indexed alph. by names of guardianships. Hdw. 305 pp. 18 x 12 x 2. Clk. rec. rm.

256. TRANSCRIPT FEE BOOK, 1874—. 2 vols. (1, 2).

Register of fees and costs of causes transferred from other courts to Clay County circuit court for execution, showing dates of filing and satisfaction, names of court, county, plaintiff, defendant and attorneys, amounts of fees, costs and total, and volume and page reference to Order Book, Civil, entry 173; Index to Judgments [Judgment Docket], entry 175; Order Book, Criminal, entry 203. Arr. chron. by dates of filing. Indexed alph. by names of plaintiffs and defendants. Hdw. 390 pp. 18 x 12 x 2½. Clk. rec. rm.

257. COURT & SHERIFF'S, CLERK ALLOWANCES, 1910-14, 1930—. 3 f. b. Title varies: Deputies Treas. Sherf. Stal., 1910-14, 1 f. b.; Court Allowances, 1930-32, 1 f. b.

Orders of allowance for service rendered and mileage travelled, showing dates of service, allowance and filing, names of persons granted allowance, kind and amount of service rendered, cause and warrant numbers, amount of allowance, and volume and page reference to Order Book, Civil, entry 173. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

258. CERT'ificates [of] GEN'[era]L ALLOW[ance], 1865-Jan. 7, 1867. 1 vol.

Receipted stubs of allowance certificates issued by clerk of court to persons rendering services to court, showing date and amount of certificate, name and term of court, kind of service rendered, and name of person rendering services. Arr. chron. by dates of certificates. No index. Hdw. 200 pp. 16 x 11 x 1. Attic stor. rm.

259. ADMINISTRATORS RECEIPTS-GUARDIANS RECEIPTS, approx. 1853-84. 1 vol.

Stubs of receipts issued by clerk of the circuit court for payments by administrators, executors and guardians, showing date, amount and number of receipt, names of principals, nature of payment, and volume and page reference to Fee Book, Probate, Administrators and Executors, entry 254; Fee Docket, Guardian, entry 255. Arr. by types of receipts, thereunder chron. by dates of receipts. Hdw. 250 pp. 8 x 11 x 1½. Attic stor. rm.

VI. SHERIFF

The sheriff is a constitutional officer elected for a two-year term, and he is not eligible to hold office more than four years in any six-year period. The office of sheriff in Clay County was established under the Constitution of 1851 and the Revised Statutes of 1852. He is commissioned by the governor and must post a bond of not less than \$5,000 nor more than \$15,000 as determined by the board of commissioners.¹ The salary of the sheriff as fixed by statute is \$2,080.²

The office of sheriff was first established in Clay County in 1825 under the authority of the Constitution of 1816, and by an act of the same year, authorizing the governor to appoint the first sheriff in a new county, the Revised Laws of 1824 and the county organization act.³ The sheriff's first duty after the formation of the county was to hold a special election for the other officers. Presumably, the sheriff, fol-

¹ Const., art. 6, sec. 2. 2 Rev. Stat. 1852, Acts 1937; Burns, 1939 suppl., 49-2801; Baldwin, 1937 suppl., 5493.

² Acts 1933; Burns 49-1004; Baldwin 7543.

³ Const. 1816, art. 4, sec. 25. Acts 1816-17, ch. 13, sec. 6. Rev. Laws 1824, ch. 100, sec. 6. Acts 1825, ch. 15, sec. 2.

lowing his appointment by the governor, called for an election in the spring of 1825. The sheriff's duties have not changed greatly since the organization of Clay County in 1825,⁴ however, the sheriff no longer conducts the elections (with the exception of posting notices of elections)⁵ or collects taxes.⁶

The sheriff is a conservator of the peace within the county. He is required to arrest without process all persons who within his view commit any crime or misdemeanor, and detain them in custody during investigation of the cause of the arrest; suppress all breaches of the peace, with authority to call to his aid the power of the county; pursue and commit to jail all felons; maintain the jail and take care of the prisoners confined therein; execute all process, orders, and warrants directed to him by legal authority; and preserve and maintain order in all courts in the county, except those of justices of the peace.⁷ It is his duty to make arrests on warrants issued on indictments and affidavits and commit the arrested persons to jail or hold them to bail as provided by law; to serve summonses in cases of misdemeanors,⁸ and to protect persons from being lynched.⁹ The sheriff calls the petit jury for criminal cases as prescribed by law or directed by the court.¹⁰

The sheriff sells property on execution and on mortgage foreclosure proceedings;¹¹ executes deeds to real property sold by him;¹² conveys persons committed to state charitable, correctional, and penal institutions;¹³ and attends sessions and

⁴ Rev. Laws 1824, ch. 100, secs. 10, 14.

⁵ Rev. Laws 1824, ch. 37, secs. 1, 2. 1 Rev. Stat. 1852, ch. 31, sec. 2. Acts 1889, ch. 87, sec. 15. Acts 1891, ch. 94, sec. 2. Acts 1881 (Spec. Sess.); Burns 29-702, 29-1703; Baldwin 7082, 7248.

⁶ Rev. Laws 1824, ch. 23, secs. 4, 6. Acts 1840-41 (general), ch. 4, secs. 13-22.

⁷ Acts 1881 (Spec. Sess.); Burns 2-802, 3-522, 3-1910 to 3-1913, 3-2705; Baldwin 83, 791, 1026 to 1029, 1202. Acts 1871; Burns 4-1404, 4-1405; Baldwin 1597, 1598. Acts 1905; Burns 10-3707; Baldwin 2654. Acts 1903; Burns 35-411; Baldwin 8541. 2 Rev. Stat. 1852; Burns 49-2802, 49-2803; Baldwin 5494, 5495. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1919; Burns 64-1303; Baldwin 15707.

⁸ Acts 1905, 1937; Burns, 1939 suppl., 9-1001; Baldwin, 1937 suppl., 2134.

⁹ Acts 1905; Burns 10-3309, 10-3310; Baldwin 2530, 2531.

¹⁰ Rev. Laws 1824, ch. 56, sec. 3. Acts 1905; Burns 9-1501; Baldwin 2246.

¹¹ Acts 1881 (Spec. Sess.); Burns 2-3601, 3-1819; Baldwin 574, 1014.

¹² 2 Rev. Stat. 1852, ch. 1, sec. 472. Acts 1881 (Spec. Sess.); Burns 2-4101; Baldwin 619. Acts 1931; Burns 3-1806; Baldwin 1008.

¹³ Acts 1905; Burns 9-2232, 22-2013; Baldwin 2339, 4206. Acts 1911; Burns 22-1716; Baldwin 4230. Acts 1919; Burns 22-1809; Baldwin 4264. Acts 1927; Burns 22-1213; Baldwin 4305.

executes orders of the county council¹⁴ and board of commissioners.¹⁵ He is also a deputy of the sheriff of the supreme court of the state¹⁶ and as such serves all process and orders of the supreme and appellate courts directed to him.¹⁷

The sheriff taxes and charges fees provided by law for the services that he performs.¹⁸ He receives weekly reports from poultry dealers and makes any investigations that he considers necessary;¹⁹ he grants licenses for the sale of firearms on forms prescribed by the superintendent of the state police.²⁰

Whenever the sheriff is unable to attend to his duties, the coroner performs them;²¹ and if both the sheriff and coroner are unable to act, it is then the duty of the circuit court to appoint an elisor who discharges the sheriff's duties until the disability of the sheriff or coroner is removed.²² The sheriff appoints deputies and bailiffs. They are to assist him as he directs and he is responsible for their official acts.²³

The chief records kept by the sheriff are a cashbook, a fee book,²⁴ a jail record,²⁵ and a poultry record.²⁶ He makes an annual record of executions and processes in his possession, the levies he has made, and the amount collected on each execution, which is to be entered on the order book of the court.²⁷

¹⁴ Acts 1899; Burns 26-510; Baldwin 5374.

¹⁵ Rev. Stat. 1843, ch. 7, sec. 5. 1 Rev. Stat. 1852; Burns 26-611; Baldwin 5226.

¹⁶ 2 Rev. Stat. 1852; Burns 49-2203; Baldwin 1339. 2 Rev. Stat. 1852, Acts 1889; Burns 49-2204; Baldwin 1340.

¹⁷ Acts 1891; Burns 4-230; Baldwin 1378.

¹⁸ Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1932 (Spec. Sess.); Burns 49-1312, 49-1315, 49-1316; Baldwin 7571, 7574. Acts 1919, 1921; Burns 49-1318; Baldwin 13588-1.

¹⁹ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803; Baldwin 10487.

²⁰ Acts 1935, 1937; Burns, 1939 suppl., 10-4742; Baldwin, 1937 suppl., 2569-9.

²¹ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901, 49-2902; Baldwin 5436, 5437.

²² 2 Rev. Stat. 1852; Burns 4-322; Baldwin 1411.

²³ Acts 1855, 1925; Burns 49-501; Baldwin 13108. 2 Rev. Stat. 1852; Burns 49-2804; Baldwin 5496.

²⁴ Acts 1891, ch. 194, secs. 124, 125. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

²⁵ Rev. Stat. 1838, ch. 83, sec. 5. Acts 1909; Burns 13-1007; Baldwin 13459.

²⁶ Acts 1917, 1929, 1932 (Spec. Sess.); Burns 42-803; Baldwin 10487.

²⁷ Acts 1905; Burns 9-1034; Baldwin 2179. 2 Rev. Stat. 1852; Burns 49-2807; Baldwin 5502.

SERVICE ON WRITS

260. SHERIFF'S DOCKET, 1865-. 158 vols.

Record of service on writs in civil and criminal causes and jurors' fees in circuit court, showing date and nature of action, cause number, names of plaintiff, defendant, attorneys and jurors, number of miles travelled, and amount of fees, total cost, and judgment. Arr. num. by cause nos. No index. Hdw. 150 pp. 18 x 12 x 1½. 156 vols., 1865-Mar. 26, 1920, sher. rec. rm.; 2 vols., Mar. 27, 1920-, sher. off.

261. SHERIFF'S DOCKET, 1867-72. 5 vols.

Record of service on writs in civil, criminal and probate causes of common pleas court, showing date of trial, cause number, nature of action, names of plaintiff, defendant, attorneys and jurors, number of miles travelled, amount of fees, and total costs. Arr. by types of causes, thereunder num. by cause nos. No index. Hdw. 240 pp. 16 x 12 x 2. Sher. rec. rm.

262. [JURY LIST], 1928-. 1 vol.

Register of persons empanelled to serve on juries showing court term, names and addresses of jurors, number of days served, miles travelled and trips made, and total costs. Arr. chron. by court terms. No index. Hdw. 100 pp. 12 x 15 x 1. Sher. off.

263. [JUROR'S MILEAGE AND FEES], 1928-. 1 vol.

Ledger of jurors' mileage and fees for services, showing court term, names of plaintiff, defendant and attorneys, number and nature of cause, names, addresses and telephone numbers of jurors, number of miles travelled and days served, amount of jurors' fees, and verdict of jury. Arr. chron. by court terms. No index. Hdw. and typed. 160 pp. 12 x 15 x 1½. Sher. off.

EXECUTIONS ON JUDGMENTS

(See also entries 178-192)

264. SHERIFF'S EXECUTION DOCKET, 1876-. 7 vols. (3 vols. not numbered, 4, 1 vol. not numbered, 2, 3).

Record of services on writs for execution of judgments, showing dates of issue, service and return, names of plaintiff, defendant and attorneys, cause number, kind of writ, amounts of judgment, fees, costs and total, and sheriff's return. 1876-92, arr. alph. by names of plaintiffs; 1893-, arr. chron. by dates of issue. 1876-92, no index; 1893-, indexed alph. by names of plaintiffs. Hdw. 295 pp. 16 x 11 x 2. 6 vols., 1876-June 13, 1928, C. C., sher. rec. rm.; 1 vol., June 17, 1928-, jail, sher. off.

265. SHERIFF'S STATEMENTS OF COSTS, 1882-1920. 3 vols. Stubs of sheriff's statements of costs of public sales to satisfy judgments, showing dates of statement, sale and judgment, names of plaintiff, defendant, attorney and sheriff, amounts of judgment, interest and costs, and volume and page reference to Order Book, Civil, entry 173; Execution Docket, entry 180; and Sheriff's Fee Book, entry 271. Arr. chron. by dates of sales. No index. Hdw. 200 pp. 11 x 12 x 2. Sher. rec. rm.

JAIL RECORDS

266. JAIL REGISTER, 1877-. 8 vols. (1-6, 1, 1 vol. not numbered).

Register of persons confined to county jail, showing date and time of admittance, name, sex, age, color, residence and birthplace of prisoner, name of judge ordering commitment, reason for confinement, and amount of bail. Arr. chron. by dates of admittance. 1877-Jan. 30, 1933, no index; Jan. 31, 1933-, indexed alph. by names of prisoners. Hdw. 240 pp. 17 x 14 x 2. 7 vols., 1877-Jan. 30, 1933, C. C., sher. rec. rm.; 1 vol., Jan. 31, 1933-, jail, sher. off.

REPORTS

267. POULTRY DEALER'S REPORT TO SHERIFF, 1937-. 1 f. b. Weekly report of poultry bought by dealers, showing date of purchase, quantity, weight, and breed of poultry received, and names of dealer and seller. No orderly arr. No index. Hdw. 21 x 20 x 4½. Sher. off.

FEE AND CASH RECORDS

268. SHERIFF'S CASH BOOK, 1886-. 3 vols. (1 vol. not numbered, 1, 1).

Ledger of cash received and disbursed by sheriff, showing dates of receipt and disbursement, names of payee and payer, amount and source of receipt, amount and purpose of disbursement, total receipts and disbursements, and cause, receipt and check numbers. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 321 pp. 18 x 12 x 3. 2 vols., 1886-1916, sher. rec. rm.; 1 vol., 1917-, sher. off.

269. REGISTER OF FEES [Civil], Apr. 29, 1903-. 8 vols. (1-8). 1861-Apr. 28, 1903 in Sheriff's Fee Book, entry 271.

Register of fees received for service on writs in civil causes,

showing date writ received, served and returned, names of plaintiff and defendant, amounts of fees, costs and total, and number and nature of cause. Also contains: Register of Fees, Criminal, Apr. 29-Dec. 1903, entry 270. Arr. num. by cause nos. Indexed alph. by names of plaintiffs. Hdw. 304 pp. 18 x 12 x 3. 6 vols., 1903-26, sher. rec. rm.; 2 vols., 1927-, sher. off.

270. REGISTER OF FEES, CRIMINAL, 1904-. 4 vols. (1-4).
1861-Apr. 28, 1903 in Sheriff's Fee Book, entry 271;
Apr. 29-Dec. 1903 in Register of Fees [Civil], entry 269.

Register of fees collected for services on writs in criminal causes, showing cause number, kind of writ, dates received and served, names of plaintiff and defendant, and amount of fee. Arr. num. by cause nos. Indexed alph. by names of defendants. Hdw. 260 pp. 18 x 12 x 3. 2 vols., 1904-Feb. 5, 1927, sher. rec. rm.; 2 vols., Feb. 10, 1927-, sher. off.

271. SHERIFF'S FEE BOOK, 1861-Apr. 28, 1903. 4 vols.
(1 vol. not numbered, 1, 1, 2).

Register of fees received for service on writs in civil and criminal causes, showing dates writ issued, received, served and returned, names of plaintiff and defendant, amounts of fees, costs and total, and nature and number of cause. This is a combination of two records later kept separately: Register of Fees [Civil], 1903-, entry 269; Register of Fees, Criminal, 1904-, entry 270. 1861-Dec. 13, 1892, arr. chron. by dates writs issued; 1892-Apr. 28, 1903, arr. num. by cause nos. 1861-Dec. 13, 1892, no index; Nov. 1892-Apr. 28, 1903, indexed alph. by names of plaintiffs. Hdw. 450 pp. 18 x 12 x 2. 1 vol., 1861-79, recr. rec. rm.; 3 vols., 1880-Apr. 28, 1903, sher. rec. rm.

272. RECORD OF MILEAGE SERVICE OF PROCESS, 1929-. 1 vol. Sheriff's record of mileage for serving processes, showing date of service, cause number, name of person served, number of miles travelled, and amount of mileage fees. Arr. chron. by dates of services. No index. Hdw. 320 pp. 14 x 9 x 1½. Jail, sher. off.

273. EXAMINERS REPORTS, 1913-30. 1 f. b.

Copies of field examiners' reports of examination of sheriff's office, showing dates of report, filing and examination, names of examiners, officer and office, and financial statement. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Sher. off.

VII. CORONER

The coroner is a constitutional officer, elected for a two-year term without restriction on re-election. The office of coroner of Clay County was established under the Constitution of 1851.¹ He is commissioned by the governor under the Revised Statutes of 1852, and is required to post a bond of not less than \$1,000 nor more than \$5,000 as determined by the board of commissioners.² He receives an annual salary of \$500 appropriated by the county council, and the coroner's fees allowed by statute.³

The first coroner of Clay County was appointed and commissioned by the governor in 1825 when the county was organized. He was to serve until the next general election when his successor was elected. Thereafter the coroner was elected and commissioned for a two-year term or until his successor was chosen and qualified.⁴ There has been no major change in the office of coroner other than the abolition of the coroner's jury⁵ and the consequent transformation of the inquest from a court hearing in public to a formal nonjudicial inquiry.⁶

The coroner is required to investigate deaths by violence, accident, or other than natural causes; to inquire into the cause and manner of death;⁷ and to order the arrest of any person whom he may charge with murder.⁸ He holds inquests without a jury,⁹ and may subpoena witnesses to attend and employ a physician to make a post-mortem examination;¹⁰ he draws up his verdict,¹¹ and files it in the office of the clerk of the circuit court, together with a report giving a minute

¹ Const., art. 6, sec. 2.

² 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

³ Acts 1875 (Spec. Sess.); Burns 49-2917; Baldwin, 1935 suppl., 5452.

⁴ Const. 1816, art. 4, sec. 25. Acts 1816-17, ch. 13, secs. 5, 6. Rev. Laws 1824, ch. 100, secs. 1-8. Executive Proceedings, 1823-36, p. 114.

⁵ Acts 1879; Burns 49-2905; Baldwin 5444.

⁶ Acts 1817-18 (general), ch. 20, secs. 1-9. Rev. Laws 1824, ch. 100, secs. 10-22. 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439. See also *Stults v. Board of County Comrs.*, 168 Ind. 539, 81 N. E. 471.

⁷ 2 Rev. Stat. 1852, Acts 1871, 1879 (Spec. Sess.), 1935; Burns, 1939 suppl., 49-2904; Baldwin, 1935 suppl., 5439.

⁸ 2 Rev. Stat. 1852; Burns 49-2914; Baldwin 5448.

⁹ Acts 1879 (Spec. Sess.); Burns 49-2905; Baldwin 5444.

¹⁰ 2 Rev. Stat. 1852; Burns 49-2906; Baldwin 5440.

¹¹ 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2908; Baldwin 5442.

description of the deceased and valuables found with the body.¹² The coroner is a peace officer with the same powers as the sheriff,¹³ and acts as sheriff in event of absence, a vacancy in the office, personal interest, or incapacity of that officer.¹⁴ He arrests and commits the sheriff to jail, if necessary.¹⁵

274. CORONER'S INQUEST, 1910-. 2 vols. (1, 2).

Record of coroner's investigations of accidental, violent or sudden deaths, showing dates of death, beginning and completion of inquest, names of coroner, witnesses and undertaker, name, age, and coroner's verdict as to cause of death. Arr. chron. by dates of inquests. Indexed alph. by names of decedents. Hdw. 590 pp. 18 x 12 x 3. 1 vol., 1910-June 8, 1927, clk. rec. rm.; 1 vol., June 13, 1927-, cor. off., Brazil Trust Co. Bldg., Brazil.

275. CORONER'S INQUEST, 1852-. 16 f. b.

Original instruments in coroner's investigations of accidental, sudden or violent deaths, showing dates of inquest and filing, names of decedent and witnesses, statements of witnesses, autopsy record, and coroner's verdict. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

VIII. PROSECUTING ATTORNEY

The prosecuting attorney is a constitutional officer, elected by the voters of each judicial circuit for a two-year term.¹ He is an officer of the circuit court and must reside within the bounds of the judicial circuit.² He must post bond in the amount of \$5,000, approved by the circuit judge, and filed with the clerk of the circuit court.³ He officially represents the state and county, and prosecutes the pleas of the state in the Clay Circuit Court.⁴ The prosecutor of Clay

¹² 2 Rev. Stat. 1852, Acts 1879 (Spec. Sess.); Burns 49-2909; Baldwin 5443.

¹³ 2 Rev. Stat. 1852, Acts 1933; Burns 49-2901; Baldwin 5436.

¹⁴ 2 Rev. Stat. 1852; Burns 49-2902; Baldwin 5437.

¹⁵ 2 Rev. Stat. 1852; Burns 49-2903; Baldwin 5438.

¹ Const., art. 7, secs. 11, 12.

² 2 Rev. Stat. 1852; Burns 49-2501. State ex rel. Howard v. Johnson, 101 Ind. 223.

³ 2 Rev. Stat. 1852; Burns 49-2502; Baldwin 5458.

⁴ 2 Rev. Stat. 1852; Burns 49-2501, 49-2502; Baldwin 5456, 5458.

County receives an annual statutory salary of \$1,950.⁵ Vacancies in the office are filled by the governor.⁶

The office of prosecuting attorney was established by the territorial legislature and carried over into the early days of statehood. He was appointed by the president judge and associate judges of the circuit court.⁷ In 1824 a county attorney was appointed by the circuit court, and held office during good behavior; and a circuit attorney was appointed by the governor for the term of one year, and he received a salary of \$250 annually.⁸ In 1826 the prosecutor was appointed by the governor, with the advice and consent of the senate, for a two-year term. His salary was set at \$200 annually.⁹ The next year the general assembly changed the law, so that he was appointed by a joint ballot of the senate and house of representatives. The annual salary was made \$150.¹⁰

Under authority of an act of 1831, the judicial circuit had a prosecuting attorney who was chosen by a joint ballot of the senate and house of representatives for a two-year term. He took an oath of office administered by the president judge of the circuit, and executed a bond, to be approved by said judge, in penalty of \$5,000. His salary remained \$150 per year.¹¹ An act of 1843 provided that he be elected by the voters of the circuit for a two-year term and be commissioned by the governor. He was governed by his former statutory duties and was required to be a lawyer licensed to practice in the courts of Indiana.¹² The term of office was lengthened to three years in 1847, but in 1851 this law was repealed and the law of 1843 was revived.¹³ The prosecuting attorney was made a constitutional officer by the Constitution of 1851.¹⁴

Whenever a prosecuting attorney fails to attend any court in his circuit, it is the duty of the judge to appoint some person to act in his place. The compensation for such deputy is deducted from the salary of the prosecutor.¹⁵

⁵ Acts 1833; Burns 49-2614; Baldwin 7549.

⁶ 1 Rev. Stat. 1852; Burns 49-404; Baldwin 13103.

⁷ Laws Ind. Terr. 1814, ch. 3, secs. 4, 5. Const. 1816, art. 12, sec. 4. Acts 1816-17, ch. 3, sec. 2.

⁸ Rev. Laws 1824, ch. 24, secs. 9-13.

⁹ Acts 1825-26, ch. 44, sec. 1.

¹⁰ Acts 1826-27, ch. 17, secs. 1, 2.

¹¹ Rev. Laws 1831, ch. 10, secs. 1-5.

¹² Acts 1842-43 (general), ch. 15, secs. 1-5.

¹³ Acts 1846-47 (general), ch. 13, secs. 1-8. Acts 1850-51 (general), ch. 132, secs. 1-3.

¹⁴ Const., art. 7, secs. 11, 12.

¹⁵ 2 Rev. Stat. 1852; Burns 49-2505; Baldwin 5461.

The prosecutor administers oaths,¹⁶ and performs the duties of notaries public.¹⁷ He collects docket fees for his services in criminal prosecutions, divorce cases, suits on forfeited recognizances, and other suits which he is required to prosecute or defend.¹⁸ He cannot represent applicants for liquor licenses.¹⁹

The prosecuting attorney in Clay County conducts all prosecutions for felonies or misdemeanors and all suits on forfeited recognizances; resists applications for changing names; protects the interests of all persons of unsound mind; and superintends on behalf of the county all suits in which the county may be interested or involved.²⁰ He prosecutes bastardy suits;²¹ resists undefended divorce suits;²² recovers gaming losses for a dependent wife or children or both, or for the state;²³ prosecutes suits to enjoin violation of laws concerning horse racing;²⁴ prosecutes in city courts for criminal offenses under state laws.²⁵ Whenever county officials fail to make the proper reports or payments to other county officials, the prosecutor moves against them.²⁶

At sessions of the grand jury, he presents evidence and gives requested advice on law.²⁷ He prosecutes before justices of the peace cases of surety of the peace.²⁸ He acts for the state when a surety on a forfeited recognizance sues the principal on the theory of subrogation of the rights of the state.²⁹

The attorney general holds conferences of all prosecuting attorneys for the discussion of traffic problems.³⁰ The pros-

¹⁶ Acts 1901; Burns 49-2506; Baldwin 5462.

¹⁷ Acts 1919; Burns 49-2507 to 49-2510; Baldwin 5463 to 5466.

¹⁸ Acts 1875 (Spec. Sess.); Burns 49-2511; Baldwin 5468.

¹⁹ Acts 1901, 1913; Burns 49-2513; Baldwin 5467.

²⁰ Acts 1925, 1931, 1939; Burns, 1939 suppl., 15-1618; Baldwin, 1939 suppl., 3635-1. Acts 1939; Burns, 1939 suppl., 35-2310; Baldwin, 1939 suppl., 8503-10. 2 Rev. Stat. 1852; Burns 49-2504; Baldwin 5460.

²¹ 2 Rev. Stat. 1852; Burns 3-622; Baldwin 867.

²² Acts 1873, 1913; Burns 3-1212 to 3-1215; Baldwin 916 to 919.

²³ 1 Rev. Stat. 1852; Burns 10-2323; Baldwin 2806.

²⁴ Acts 1895; Burns 10-2711; Baldwin 9273.

²⁵ Acts 1905; Burns 4-2409; Baldwin 11595.

²⁶ Acts 1895; Burns 49-1408; Baldwin 7583.

²⁷ Acts 1905; Burns 9-826; Baldwin 2122.

²⁸ Acts 1905; Burns 9-511; Baldwin 2059.

²⁹ Acts 1905; Burns 9-1045; Baldwin 2178.

³⁰ Acts 1931, 1933, 1937; Burns, 1939 suppl., 49-2601; Baldwin, 1937 suppl., 7547.

ecutor acts for the attorney general in suits for the collection of liquor license funds,³¹ and in prosecutions under the unemployment compensation law.³²

The prosecuting attorney prosecutes all violations of any law, which it is the duty of the labor commissioner to enforce, on request of the commissioner;³³ he prosecutes violators of safety and sanitary regulations concerning factories,³⁴ and all violations of the state food and drug law.³⁵ He prosecutes: Clerks of the circuit court for violation of the marriage license law;³⁶ officers failing to make records on payments to the state;³⁷ hedge fence suits on relation of highway supervisor,³⁸ or on relation of township trustee;³⁹ railroads for not gravelling highway crossings,⁴⁰ and amusement operators for not obtaining a license.⁴¹

He represents the medical examination board in cases of appeal for a license;⁴² and he appears for persons of alleged unsound mind.⁴³ He must be present at a hearing in any circuit, superior, criminal, probate or juvenile court for the commitment of a person to an Indiana University hospital.⁴⁴

The prosecutor has many duties in aiding in the collection of taxes. He prosecutes false personal property tax lists;⁴⁵ prosecutes refusals to pay taxes;⁴⁶ and enforces penalties and forfeitures, not duties of the attorney general in the law governing the state board of tax commissioners.⁴⁷ He brings suit to secure delinquent real property taxes,⁴⁸ actions

³¹ Acts 1935, 1937; Burns, 1939 suppl., 12-912; Baldwin, 1937 suppl., 3764-41.

³² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1517; Baldwin, 1937 suppl., 10168-68.

³³ Acts 1937; Burns, 1939 suppl., 40-2122; Baldwin, 1937 suppl., 10000-22.

³⁴ Acts 1899; Burns 40-1016; Baldwin 10081. Acts 1899; Burns 40-1019; Baldwin 10084.

³⁵ Acts 1939; Burns, 1939 suppl., 35-1235; Baldwin, 1939 suppl., 8433-8. Acts 1935; Burns, 1939 suppl., 64-416; Baldwin, 1935 suppl., 8487-9.

³⁶ 1 Rev. Stat. 1852; Burns 44-204; Baldwin 5635.

³⁷ Acts 1883; Burns 49-142; Baldwin 13094.

³⁸ Acts 1891; Burns 30-303; Baldwin, 1935 suppl., 7648-1.

³⁹ Acts 1895; 30-307; Baldwin 7649.

⁴⁰ Acts 1895; Burns 55-620; Baldwin 14119.

⁴¹ Acts 1937; Burns, 1939 suppl., 20-1011; Baldwin, 1937 suppl., 4594-11.

⁴² Acts 1897, 1899, 1901; Burns 63-1306; Baldwin 10707.

⁴³ 2 Rev. Stat. 1852, Acts 1895; Burns 8-202; Baldwin 3460.

⁴⁴ Acts 1939; Burns, 1939 suppl., 28-5417; Baldwin, 1939 suppl., 14078-89c.

⁴⁵ Acts 1919; Burns 64-608; Baldwin 15576.

⁴⁶ Acts 1919; Burns 64-719; Baldwin 15633.

⁴⁷ Acts 1919; Burns 64-1319; Baldwin 15723.

⁴⁸ Acts 1932 (Spec. Sess.); Burns 64-1511; Baldwin 15754.

to enforce lien of State of Indiana on lands for sale for delinquent taxes,⁴⁹ suit upon treasurer's bond when he refuses or neglects to make settlement with the auditor for the full amount of the tax duplicate.⁵⁰ He also sues the treasurer for failure to pay the revenues of his office to the auditor.⁵¹ He prosecutes all violations and evasions of the gross income tax law.⁵²

The prosecutor makes monthly reports to the board of commissioners concerning his activities and the amount of fees collected by him and turned over to the treasurer.⁵³ The state board of accounts prescribes that an appearance record and fee book, a cashbook, and a monthly report be kept by the prosecutor.⁵⁴

276. [APPEARANCE RECORD AND CASH BOOK], 1939-. 1 vol. Record of causes prosecuted and fees assessed by prosecuting attorney, including:

- i. Record of causes prosecuted, showing cause number, nature of action, name of court, and date of appearance. Arr. chron. by dates of appearance.
- ii. Record of cash collections, showing cause number, amount of fees, name of payer, and date paid to treasurer. Arr. chron. by dates paid.

No index. Hdw. 12 x 13 x 1. Pros. atty. off., Davis Trust Bldg., Brazil.

IX. COUNTY ASSESSOR

The assessor of Clay County is a statutory officer, elected for a four-year term by the voters of the county. He receives a certificate of election from the clerk of the circuit court and is not commissioned by the governor. He holds office until his successor has been elected and qualified. He must be an elector of the county, and have been a continuous resi-

⁴⁹ Acts 1919; Burns 64-1518; Baldwin 15772.

⁵⁰ Acts 1919; Burns 64-2507; Baldwin 15856.

⁵¹ Acts 1919; Burns 64-2508; Baldwin 15857.

⁵² Acts 1933, 1937; Burns, 1939 suppl., 64-2627, 64-2628; Baldwin, 1937 suppl., 16007, 16009.

⁵³ Acts 1933; Burns 49-2695; Baldwin 7550.

⁵⁴ Acts 1909; Burns 60-202; Baldwin 13855. Interview with E. P. Brennan, state examiner,

dent freeholder of the county for at least four years before the date of his election; and, while holding the office of assessor, he must reside within the county and must not hold any other lucrative office. He must post bond in the amount of \$5,000, approved by and filed with the auditor,¹ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.² The office of assessor was established in its present form by an act of 1919.³

The assessor receives a salary of \$2,400 per year, plus \$2.50 for each day spent in conference with the state board of tax commissioners, together with actual railroad fare to and from the place of holding such conference.⁴ He is entitled to reimbursement for expenses when temporarily working in other counties under direction of the board of commissioners.⁵ He is not permitted to retain, as compensation for himself, any fees collected by him.⁶

For incompetency, neglect of duty, or misconduct in office, the assessor may be removed by the state board of tax commissioners after a hearing by that board. After such removal the assessor may appeal to the circuit court and have a trial *de novo* on the charges on which he was removed.⁷ For sufficient legal grounds, the assessor may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁸ If the assessor is convicted of a felony, the judgment of conviction must declare the office vacant.⁹

Any vacancy in the office of assessor is filled by appointment by the board of commissioners. At the next biennial

¹ Const., art. 2, sec. 9; art. 6, secs. 4, 6; art. 15, secs. 3, 6. 1 Rev. Stat. 1852; Burns 49-201, 49-202; Baldwin 13095, 13096. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

² Const. 1816, art. 11, sec. 1. Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

³ Acts 1919, 1921; Burns 64-1101 to 64-1103; Baldwin 15696, 15698, 15699.

⁴ Acts 1933; Burns 49-1004, 49-1011; Baldwin 7534, 7541. Acts 1919; Burns 64-1103; Baldwin 15698.

⁵ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁶ Acts 1933; Burns 49-1005; Baldwin 7535.

⁷ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁸ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

⁹ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

general election (held on the first Tuesday after the first Monday in November in the even-numbered years), an assessor is elected for the remainder of the term in which the vacancy occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁰

Subject to the approval of the board of commissioners, the assessor may appoint one or more deputies to serve no more than 30 days in any calendar year. The deputies each receive \$4 per day as compensation. They have the same qualifications, powers, and duties as the assessor, are subject to his control and direction, and must take the oath of office required of the assessor.¹¹ With the approval of the board of commissioners, the assessor may also employ clerical assistants who shall each receive compensation not exceeding \$5 per day, pursuant to appropriation by the county council.¹²

From the time of the organization of the county in 1825¹³ until 1841, assessors (often called listers) were appointed annually by the board of commissioners or board of justices, to list all property subject to taxation and to determine the value thereof (where the tax was based on value).¹⁴ Under an act of 1824, any person refusing to accept his appointment as assessor was subject to a penalty of \$25.¹⁵ An act of February 10, 1841 provided for the election of a county assessor in each county for a two-year term.¹⁶ The office of county assessor was abolished in 1852, and the duties were transferred to township assessors elected for two-year terms.¹⁷ From 1841 to 1872, real property was assessed by appraisers appointed by the board of commissioners from time to time as needed.¹⁸ The office of county assessor (elected for a

¹⁰ Rev. Stat. 1843, ch. 7, sec. 61. Const., art. 6, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. ¹¹ Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Acts 1919, 1921; Burns 64-1101; Baldwin 15696. *Douglass v. State ex rel. Wright*, 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹¹ ¹ Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919; Burns 64-1102; Baldwin 15698.

¹² Acts 1933; Burns 49-1101; Baldwin 7541.

¹³ Acts 1825, ch. 15.

¹⁴ Acts 1817-18 (general), ch. 42, sec. 1. Rev. Laws 1824, ch. 86, secs. 5-7.

¹⁵ Rev. Laws 1824, ch. 86, sec. 29.

¹⁶ Acts 1840-41 (general), ch. 3, sec. 1.

¹⁷ ¹ Rev. Stat. 1852, ch. 6, sec. 64; ch. 92, sec. 1.

¹⁸ Acts 1840-41 (general), ch. 1, secs. 1-12, 20. Acts 1850-51 (general), ch. 5, sec. 1.

¹ Rev. Stat. 1852, ch. 6, secs. 44, 45. Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

two-year term) replaced that of appraiser in 1872;¹⁹ but in 1875 the office was abolished, and the duties were transferred to township assessors elected for two-year terms.²⁰ An act of March 6, 1891 re-established the office of county assessor. Under this law, the assessor was elected for a four-year term, and was not eligible for re-election until four years after the expiration of the term for which he was elected. He was required to be a resident freeholder and householder of the county not less than five years before the date of his election.²¹ In 1933 the office of township assessor was abolished in all townships having a population not exceeding 5,000 (all townships except Brazil), and the duties of the office were transferred to the township trustee.²² Reference hereinafter to township assessors includes township trustees performing the duties prescribed by statutes for township assessors.

The duties of the county assessor are to examine tax duplicates and other records and papers in the offices of the auditor, treasurer, recorder, clerk, sheriff, and surveyor, together with the returns of the township assessors; to discover, list, and assess all omitted property of every kind, entering his valuations in a separate column on the township assessors' books; to advise and instruct the township assessors; to report to the state board of tax commissioners any incompetency or neglect of duty on the part of township assessors;²³ and determine the value of intangibles for taxes.²⁴ Under appointments by the circuit court, he serves as appraiser of estates in the administration of the inheritance tax law.²⁵ He appraises school property in accordance with laws concerning transfer of pupils from one school to another.²⁶ He is ex officio member and president of the county board of review.²⁷ His work is under the direction of the state board of tax commissioners.²⁸ Formerly the county assessor made out the as-

¹⁹ Acts 1872 (Spec. Sess.), ch. 37, secs. 107, 276.

²⁰ Acts 1875, ch. 97, secs. 2, 7, 9.

²¹ Acts 1891, ch. 99, sec. 112.

²² Acts 1933; Burns 64-1031; Baldwin 15664.

²³ Acts 1919; Burns 64-1102; Baldwin 15698. *McConnell v. Hampton*, 164 Ind. 547, 73 N.

E. 1092.

²⁴ Acts 1933, 1935; Burns, 1938 suppl., 64-905; Baldwin, 1935 suppl., 15903.

²⁵ Acts 1901, 1933; Burns 6-2408; Baldwin 15946.

²⁶ Acts 1901, 1909, 1915, 1921; Burns 28-3704; Baldwin 6288.

²⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁸ Acts 1919, 1921; 64-1101; Baldwin 15696.

assessment rolls (now made by the auditor),²⁹ took a census of deaf mutes in the county,³⁰ and kept a book showing the names of all blind, dumb, deaf, or insane persons in the county.³¹ Assessments by the county assessor under the property tax laws are subject to review by the county board of review. Such assessments are also reviewable by the circuit court on the question of the taxability of the property.³²

The assessor must return to the auditor, on or before the first Monday after July 4 each year, all township assessors' books, returns, lists, schedules, maps, and other papers received by him from the auditor, together with such additional lists, assessments, books, and papers as he has made thereto.³³ He is not required to keep any records permanently.³⁴

277. INTANGIBLES SCHEDULES APPROVED, 1938-. 1 f. b.

Copies of applications to county assessor and state board of tax commissioners for determining the valuation of taxable intangibles, showing date of application, name and address of owner, description of intangibles, valuation by owner, county assessor and state board of tax commissioners, and amount of tax. Arr. chron. by dates of applications. No index. Hdw. and typed. 11 x 5 x 14. Assr. off.

For other intangible tax records, see entries 313-315.

278. [CERTIFICATES OF REGISTRATION], 1936-. 1 f. d.

Copies of certificates of registration of motor vehicles and trailers used to check against assessment list, showing years built, purchased and registered, name and address of owner, names of county and township, kind, make and capacity of vehicle, engine and license plate numbers, and amount of license fees. Arr. by names of twps. No index. Typed. 11 x 5 x 14. Assr. off.

279. ASSESSMENT OF REAL ESTATE AND IMPROVEMENTS, 1932.

1 f. b.

Copies of notices to property owners of assessments levied on

²⁹ Rev. Laws 1824, ch. 86, secs. 4, 5, 7. Acts 1838-39 (general), ch. 14, secs. 14, 15. Rev. Laws 1843, ch. 12, sec. 28. Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745.

³⁰ Acts 1838-39 (general), ch. 41, sec. 1.

³¹ Acts 1849-50 (general), ch. 17, secs. 2, 3.

³² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704. Acts 1919, 1927; Burns 64-2103; Baldwin 15804. This statement of the limitation of the scope of the appeal was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

³³ Acts 1919; Burns 64-1102; Baldwin 15698.

³⁴ Interview of May 18, 1939 with E. P. Brennan, state examiner.

real estate and improvements, showing date of notice, name of property owner, location and description of property, and amount of tax. Arr. chron. by dates of notices. No index. Hdw. 6 x 9 x 4. Assr. off.

280. OMITTED PROPERTY 1924 AND FORMER YEARS, 1922-24.
1 f. b.

Copies of notices to owners of property omitted from tax duplicate to appear and show why property should not be assessed, showing dates of notice and appearance, name of property owner, list of property and years omitted, and place of appearance. Arr. chron. by dates of notices. No index. Typed. 11 x 5 x 14. Assr. off.

281. SCHOOL APPRAISEMENTS, 1923-27. 1 f. b.

Assessor's appraisal lists of school properties, showing date of appraisal, names of taxing unit and school, and total valuation of school grounds, buildings and furniture. Arr. chron. by dates of appraisements. No index. Hdw. and typed. 11 x 5 x 14. Assr. off.

282. ASSESSORS REPORT, 1923-25. 1 f. d.

Deputy assessors' weekly report of property assessed, showing date of report, names of assessor and taxing unit, number of items assessed, class of property assessed, assessed valuation of each class, and total assessed valuation. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Assr. off.

283. [REAL ESTATE MORTGAGES], 1921-26. 3 f. b.

Card record of real estate mortgages used by assessor to check tax exemptions, showing dates of mortgage and satisfaction or assignment, amount of mortgage, and names of mortgagor and mortgagee. Arr. alph. by names of mortgagors. No index. Hdw. 11 x 5 x 14. Assr. off.

284. LIST OF EXEMPTED MORTGAGES, 1899. 2 vols. (1, 2).

Record of real property exempted from taxation account mortgage indebtedness, showing names of property owner and taxing unit, amount of mortgage, location, description and assessed valuation of property, and amounts of exemption and taxes payable. Arr. alph. by names of property owners. No index. Hdw. 50 pp. 18 x 12 x 1/2. Attic stor. rm.

285. MORTGAGES FROM OTHER COUNTIES, 1921-26. 1 f. b.

Lists of Clay County residents holding mortgages recorded in other counties, showing dates of list and mortgage, names of foreign county, mortgagor and mortgagee, and amount of mortgage. Arr. chron. by dates of lists. No index. Hdw. 11 x 5 x 14. Assr. off.

286. INHERITANCE TAX RECORDS IN CLERK'S OFFICE, 1921-23, 1935. 2 f. b. Title varies: Final Report of Inheritance Tax, 1921-23, 1 f. b.

Orders determining value of estates and amount of inheritance tax and appraisers' reports on appraisement of estates, showing cause number, dates of decedent's death, order, appraisement and report, names of decedent, heirs, executor or administrator and appraiser, inventory and appraised valuation of property, amount of indebtedness, and gross and net value of estate. Arr. alph. by names of estates. No index. Hdw. 11 x 5 x 14. Assr. off.

For other inheritance tax records, see entries 234-237, 287, 311, 312, 365.

287. [APPRAISER'S REPORT NOTICES], 1926. 1 f. b.

Copies of notices to heirs of hearings on appraisers' reports for determining valuation of estates and amount of inheritance tax, showing cause number, dates of notice, report and hearing, and names of estate, heirs and appraiser. Arr. chron. by dates of notices. No index. Typed. 11 x 5 x 14. Assr. off.

For other inheritance tax records, see entries 234-237, 286, 311, 312, 365.

X. COUNTY BOARD OF REVIEW

The board of review of Clay County, established under an act of 1891¹ and re-established in 1919, is composed of the county assessor, auditor, and treasurer, and two freeholders of opposite political parties, appointed annually by the judge of the circuit court.² Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceding his appointment, and must reside within the county while holding the office.³ Each member must take an oath that he will support the state and federal constitutions and will faithfully discharge his duties as a member of the board of review and will assess, review, and equalize the assessment of all property of the county according to the true cash value of such property.⁴ The assessor and auditor are,

¹ Acts 1891, ch. 99, sec. 114.

² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

³ Const., art. 6, secs. 4, 6.

⁴ Const., art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

respectively, the president and secretary of the county board of review.⁵

The appointed members of the county board of review receive, as compensation, \$5 for each day actually served as a member of the board. Allowance therefor is made by the board of commissioners on claims supported by the certificate of the assessor. The assessor, auditor, and treasurer receive no compensation, in addition to their regular salaries, for their services on the board of review. Before 1933, the auditor and treasurer received, in addition to their regular salaries, \$5 per day for each day actually served as members of the board.⁶

For sufficient legal grounds, any member of the county board of review may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.⁷ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁸ The judge of the circuit court fills vacancies occurring among his appointees. Any vacancy among the ex officio members is filled by replacement in the office of county assessor, auditor, or treasurer, as the case may be, membership in the board of review being an incident to such office.⁹

Before 1919 duties analogous to those of the present board of review were performed by the following officers and boards: From the time of organization of the county in 1825¹⁰; to 1838, clerk of the circuit court and assessors or listers;¹¹ 1839, 1840, board of commissioners, clerk of the circuit court, and assessors or listers;¹² 1841, board of commissioners, county assessor, and auditor (personal property only); 1841,

⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁶ Acts 1933; Burns 49-1001, 49-1004; Baldwin 13054, 13057. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313, 1936, p. 130.

⁷ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13168. Acts 1875; Burns 49-827; Baldwin 13052.

⁸ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹⁰ Acts 1825, ch. 15.

¹¹ Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8.

¹² Acts 1838-39 (general), ch. 14, secs. 14, 15. The editor substituted "clerk of the circuit court" for "auditor", in view of the last sentence of sec. 5 of said act, there being no auditor in Clay County in 1839 or 1840.

board of equalization, composed of board of commissioners, auditor, and appraiser (real estate only);¹³ 1842 to 1852, board of equalization, consisting of the board of commissioners, county assessor, and auditor;¹⁴ 1853 to 1871, board of equalization, comprising the board of commissioners, auditor, and assessors (personal property only);¹⁵ 1853 to 1871, board of equalization, constituted by the board of commissioners, county auditor, and appraiser or appraisers (real estate only);¹⁶ 1872 to 1880, board of equalization, embracing the board of commissioners, county assessor, and auditor;¹⁷ 1881 to 1890, board of equalization, including the board of commissioners and four freeholders (from different parts of the county) appointed by the circuit judge;¹⁸ 1891 to 1894, board of review, made up of the county assessor, auditor, and treasurer;¹⁹ 1895 to 1918, board of review, formed by the county assessor, auditor, treasurer, and two freeholders appointed by the circuit judge.²⁰

In townships having a population not exceeding 5,000 (all townships except Brazil), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference hereinafter to the township assessor includes the township trustee performing the duties of township assessor.²¹

The county board of review hears complaints of taxpayers concerning assessments (except those made by the state board of tax commissioners), reviews and corrects such assessments, equalizes property valuations, and makes assessments of omitted property. The tax list prepared by the county assessor and township assessors stands, except in the particulars where it is changed by the board. The board has power to set aside the assessments for the whole county or a whole taxing unit therein and to order a new assessment by the county assessor

¹³ Acts 1838-39 (general), ch. 14, secs. 14, 15. Acts 1840-41 (general), ch. 1, sec. 13.

¹⁴ Acts 1840-41 (general), ch. 1, sec. 18.

¹⁵ 1 Rev. Stat. 1852, ch. 6, sec. 91. The Revised Statutes of 1852 became effective on May 6, 1853. Jones v. Cavins, 4 Ind. 305.

¹⁶ 1 Rev. Stat. 1852, ch. 35, sec. 2. Jones v. Cavins, 4 Ind. 305.

¹⁷ Acts 1872 (Spec. Sess.), ch. 37, secs. 150, 277, 278.

¹⁸ Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

¹⁹ Acts 1891, ch. 99, sec. 114.

²⁰ Acts 1895, ch. 36, sec. 2.

²¹ Acts 1933; Burns 64-1031; Baldwin 15604.

and township assessors under instructions from the board.²² The action of the board is subject to review by the state board of tax commissioners.²³ On questions of law concerning valuation of property, the decisions of the board of review and of the state board of tax commissioners may be reviewed by the circuit court; and appeal (on law and facts) may be taken from the board of review to the circuit court on the question of whether property is taxable.²⁴

The board of review holds an annual meeting on the first Monday of June;²⁵ and the session can last 40 days in any year in which real estate is re-assessed, and can last 30 days in other years.²⁶ A majority of all the members of the board constitutes a quorum for the transaction of business, and such majority must concur in decisions of the board. The auditor, as secretary, is required to keep full and accurate minutes of the proceedings of the board.²⁷ The county assessor, as president, keeps an attendance record; and, at the close of the session, certifies to the board of commissioners the number of days actually served by each member.²⁸

288. RECORD OF BOARD OF REVIEW, 1886-. 5 vols. (1 vol. not numbered, 1-4). Title varies: Equalization Record, 1886-92, 1 vol.

Minutes of meetings of board of review, showing date of meeting, names of members present, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index. 1886-1905, 1918-36, hdw.; 1906-17, hdw. and typed; 1937-, typed. 600 pp. 19 x 13 x 3. 1 vol., 1886-July 11, 1892, attic stor. rm.; 4 vols., Aug. 5, 1892-, aud. rec. rm.

289. BOARD OF REVIEW TOWNSHIP KICK BOOK, 1903-6 .

Record of actions of board of review on protested assessments, showing date of assessment, names of taxpayer and taxing unit, location, description and assessed valuation of property, and

²² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1205; Baldwin 15700, 15704.

²³ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State board of tax commissioners, tax rule 6.

²⁴ Acts 1927; Burns 64-1020; Baldwin 15686. Acts 1919, 1927; Burns 64-2103; Baldwin 15804.

This statement of the scope of the appeals was suggested by Philip Zoercher, chairman of the state board of tax commissioners.

²⁵ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁶ Acts 1919; Burns 64-1205; Baldwin 15704.

²⁷ Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

²⁸ Acts 1919; Burns 64-1204; Baldwin 15703.

action of board. Arr. by names of taxing units, thereunder by names of property owners. Indexed alph. by names of taxing units. 300 pp. Hdw. 12 x 5½ x 1. Attic stor. rm.

290. BOARD OF REVIEW, 1903-24, 1932-. 4 f.b. Title varies: Board of Review and State Tax Board Reductions, 1933-34, 1 f.b.

Various instruments pertaining to board of review actions, including notices of appointment, oaths of members, minutes of meetings, and notices to taxpayers of meetings to revise or correct assessments, showing dates of instrument, meeting, service and filing, names of members and taxpayers, and conditions of instrument. Also contains: State Tax Board Reduction Orders, 1934, 1936, entry 449. Arr. chron. by dates of filing. No index. Hdw. 1 f.b., 6 x 4 x 9; 3 f.b., 11 x 5 x 14. 1 f.b., 1903-9, attic stor. rm.; 3 f.b., 1906-24, 1932-, aud. rec. rm.

XI. COUNTY BOARD OF TAX ADJUSTMENT

The board of tax adjustment of Clay County was established by an act of 1932¹ and re-established by acts of 1933² and 1937. It consists of seven members, chosen as follows: One member of the county council, selected by the council; the mayor of the city of Brazil or any public official of the city appointed by him; one member of the county board of education, selected by that board; and four citizens and freeholders of the county selected before April 15 each year by the judge of the circuit court, to hold office until April 15 of the following year. No more than four of the seven members of the board of tax adjustment may be members of the same political party. Each member must be an elector of the county, must have been an inhabitant thereof during one year next preceeding his appointment, and must reside whitin the county while holding the office. The members serve whitout compensation. Each member must take an oath that he will support the state and federal constitutions and that he will faithfully discharge the duties of his office as a member of the county board of tax adjustment. The board elects a chairman and a vice-chairman from among its members; and the auditor acts as

¹ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

² Acts 1933, ch. 237, sec. 4.

clerk, but has no vote in its proceedings. The board may employ one of the examiners of the state board of accounts to assist in the duties of the board of tax adjustment; and the auditor pays, from county funds, the expenses in connection with such employment.³

The board established under the act of 1932 was composed of: The auditor; three members of the county council, selected by the council; and three members annually appointed by the judge of the circuit court.⁴ The board established under the act of 1933 was composed of seven members. One member was appointed by the county council from the members of the council. The other six members were appointed by the judge of the circuit court, as follows: A township trustee; the mayor of a city or the president of the board of trustees of a town; a member of the board of school commissioners, board of school trustees, or board of education of a school city or school town; and three resident freeholders of the county at large.⁵

For sufficient legal grounds, any member of the county board of tax adjustment may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or on an accusation verified by oath of any person; and such removal is subject to review by the supreme court.⁶ If any member is convicted of a felony, the judgment of conviction must declare his office vacant.⁷ A vacancy in the office of any member is filled in the manner provided by law for filling such office originally.⁸

The board of tax adjustment reviews budgets, tax levies, and tax rates adopted by the county council for the county and also those adopted by the several taxing units within the county.⁹ The action of the board of tax adjustment is subject to review by the state board of tax commissioners.¹⁰

Before 1932, no county officer or board performed duties

³ Const., art. 6, secs. 4, 6; art. 15, sec. 4. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054. Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁴ Acts 1932 (Spec. Sess.), ch. 10, sec. 4.

⁵ Acts 1933, ch. 237, sec. 4.

⁶ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13168. Acts 1874; Burns 49-837; Baldwin 13052.

⁷ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

⁸ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁹ Acts 1899; Burns 26-515; Baldwin 5379. Acts 1937; Burns, 1938 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

¹⁰ Acts 1897; Burns, 1938 suppl., 64-311, 64-314; Baldwin, 1937 suppl., 15897-5, 15897-8.

similar or analogous to those of the county board of tax adjustment, except that in 1920 such tax levies were reviewable by the county council.¹¹ Since 1919, with the exception of 1920, such budgets, tax levies, and tax rates have been reviewable directly by the state board of tax commissioners.¹² Before 1919, a taxpayer's sole recourse for obtaining a review of such budgets, tax levies, or tax rates was to apply to a court for an injunction.¹³

The board of tax adjustment meets on the second Monday in September each year, and from day to day thereafter as its business requires, and must complete its duties on or before October 1.¹⁴ The auditor, as clerk, keeps a complete record of all the proceedings of the board.¹⁵

291. [BOARD OF TAX ADJUSTMENT], 1932-. 2 vols. (1, and 1 vol. not numbered).

Minutes of meetings of board of tax adjustment, showing date of meeting, names of members present, business discussed, and action taken. Arr. chron. by dates of meetings. No index. 1932-34, hdw.; 1935-36, hdw. and typed; 1937-, typed. 150 pp. 10 x 8 x 1. Aud. rec. rm.

292. COUNTY TAX ADJUSTMENT BOARD PAPERS, 1933-. 1 f.b. Various instruments pertaining to county board of tax adjustment, including certificates of appointment, tax levies, ordinances of appropriation, budget estimates, members' oaths, carbon copies of tax rate schedules determined and fixed by board, notices to taxpayers of tax levies, and carbon copies of minutes of meetings, showing dates of instrument and filing, date and place of meeting, names of members present, subjects discussed, and action taken, and conditions of instrument. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

¹¹ Interview of May 22, 1939 with Phillip Zoercher, chairman of the state board of tax commissioners. Acts 1920 (Spec. Sess.), ch. 49, sec. 3.

¹² Acts 1919, 1920 (Spec. Sess.); Burns 64-1303, 64-1329, 64-1330; Baldwin 15707, 15733, 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹³ Toledo & W. R. Co., v. Lafayette, 22 Ind. 262; First Nat. Bank v. Greger, 157 Ind. 479, 62 N. E. 21. Interview of May 22, 1939 with Philip Zorcher, chairman of the state board of tax commissioners.

¹⁴ Acts 1937; Burns, 1938 suppl., 64-310, 64-311; Baldwin, 1937 suppl., 15897-4, 15897-5.

¹⁵ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

293. [TAX LEVIES], 1932-. In Budget & Tax Levies [Estimates], entry 44.

Tax levies established by each taxing unit for presentation to county board of tax adjustment, showing dates of statement and filing, name of taxing unit, itemized rates of each fund, and total levy.

XII. BOARD OF FINANCE

The board of finance of Clay County, created by an act of 1907¹ and re-created by the Depository Act of 1935² and the Depository Act of 1937, consists of the board of commissioners of Clay County. The county auditor is secretary.³

The county auditor and members of the board of commissioners receive no compensation for their services as secretary and members, respectively, of the board of finance.⁴ From 1907 to 1932, and in 1935 and in 1936, the auditor received \$50 per year.⁵

Before 1907, no county officer or board performed duties analogous to those of the board of finance.⁶

The board of finance has supervision of all public funds of the county and of the safekeeping and deposit thereof.⁷ It designates the banks and trust companies to serve as depositories for county funds,⁸ and for all fees and funds received by the clerk of the circuit court by virtue of his office.⁹ It may revoke the commission of any depository at any time.¹⁰ In the name of "The Board of Finance of Clay

¹ Acts 1907, ch. 222, sec. 6. This act was repealed by Acts 1935, ch. 70, sec. 42.

² Acts 1935, ch. 70, secs. 7, 43. This act was repealed by Acts 1937, ch. 3, sec. 42.

³ Acts 1937; Burns, 1938 suppl., 61-629, 61-663; Baldwin, 1937 suppl., 13844-50, 13844-84. For laws concerning eligibility, oath, and removal of these officers, see the essays on auditor and board of commissioners.

⁴ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁵ Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 49-1001, 49-1004; Baldwin 7531, 7534. *Opinions of the Attorney General of Indiana, 1934*, p. 313, 1936, p. 130.

⁶ Interview of May 31, 1939 with E. P. Brennan, state examiner.

⁷ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁸ Acts 1937; Burns, 1938 suppl., 61-634 to 61-636; Baldwin, 1937 suppl., 13844-55 to 13844-57.

⁹ Acts 1937; Burns, 1938 suppl., 61-673; Baldwin, 1937 suppl., 1438-1.

¹⁰ Acts 1937; Burns, 1938 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

County", the board may sue and be sued in any action in any court of competent jurisdiction.¹¹

The board of finance holds an annual meeting on the third Monday in January, at which it elects its president;¹² and holds a biennial meeting on the third Monday in February, in the odd-numbered years, at which it considers proposals and designates depositories for the ensuing two-year period.¹³ The board holds sessions whenever necessary to discharge its duties and accomplish the purposes of the laws governing it. A majority of the members constitutes a quorum for the transaction of business. All meetings are open to the public.¹⁴

The board keeps, as permanent records, the depositories' monthly statements of deposits.¹⁵ The auditor, as secretary of the board of finance,¹⁶ keeps a record of its proceedings. All records of the board are subject to public inspection.¹⁷

294. BOARD OF FINANCE RECORD, 1907-27. 3 vols. (1-3). Minutes of meetings of board of finance, showing date of meeting, names of members present, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. and typed. 500 pp. 16 x 11 x 2½. Aud. rec. rm.

For subsequent records, see entry 1.

295. DEPOSITORY INTEREST, 1908-. 6 f. b., 1 vol. Title varies: County Depository, 1908-22, 3 f. b.; Record of Board of Finance, 1930-32, 1 f. b.

Monthly statements of minimum balances and interest accrued, submitted to board of finance by depositories, showing date of statement, name and address of depository, balance on hand at beginning and end of month, minimum balance during month, total deposits, warrants paid, and amount of interest due on minimum balance. Arr. by names of depositories, thereunder chron. by dates of statements. No index. Hdw. f. b., 11 x 5 x 14; vol., 300 pp. 8 x 12 x 2. Aud. rec. rm.

296. BANK PAPERS AND BONDS [Depository], 1907-. 2 f. b. Title varies: County Depository Proposals and Bonds, 1907-23, 1 f. b.

Instruments pertaining to deposit of county funds, including

¹¹ Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹² Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

¹³ Acts 1937; Burns, 1938 suppl., 61-636; Baldwin, 1937 suppl., 13844-57.

¹⁴ Acts 1937; Burns, 1938 suppl., 61-623; Baldwin, 1937 suppl., 13844-54.

¹⁵ Acts 1937; Burns, 1938 suppl., 61-638; Baldwin, 1937 suppl., 13844-59.

¹⁶ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

¹⁷ Acts 1937; Burns, 1938 suppl., 61-633; Baldwin, 1937 suppl., 13844-54.

depository proposals, 1907-, bonds, 1907-21, and contracts, 1931-, showing dates of instrument, acceptance and filing, names and addresses of depository, principals and sureties, amount and conditions of bond, and conditions of proposal and contract. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

297. [DEPOSITORY BONDS], 1922-30. In Bond Record [Official], entry 503.

Originals and transcripts of personal bonds of depositories for public funds, showing date, amount and conditions of bond, names and addresses of principal and sureties, and dates of approval and recording.

XIII. COUNTY SCHOOL FUND BOARD

All loans from the common school fund and the congressional township school fund shall be made by the school fund board of Clay County, as created by an act of 1935, and which consist of the auditor and the clerk of the circuit court as ex officio members and one member appointed by the judge of the circuit court for a two-year term. No more than two members of the board may be adherents of the same political party.¹

Originally, loans from the school funds of Clay County were made by the school commissioner, elected by the voters for a three-year term, in accordance with an act of 1829. The school commissioner was a financial agent of the county to manage the school funds and the lands belonging thereto.² This office was later abolished in Clay County and, under the Revised Statutes of 1852, the duties thereof were divided between the auditor,³ or the clerk of the circuit court doing business as the auditor,⁴ and the treasurer.⁵ Upon approval of the trustees, the auditor had authority to make loans until 1935.⁶

¹ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

² Acts 1828-29, ch. 84, secs. 8, 15.

³ 1 Rev. Stat. 1852, ch. 98, sec. 137.

⁴ 1 Rev. Stat. 1852, ch. 98, sec. 131.

⁵ 1 Rev. Stat. 1852, ch. 98, sec. 133. Acts 1865, ch. 1, sec. 54.

⁶ 1 Rev. Stat. 1852, ch. 98, secs. 34, 35. Acts 1865, ch. 1, sec. 75.

The common school fund, as established by the Constitution of 1851,⁷ is kept by the auditor in pursuance of an act of 1865, in two separate accounts:⁸ (a) The common school fund, consisting of moneys from the sale of escheated property, all lands granted to the state without a special object named in the grant, fines assessed by the courts, all money and lands formerly belonging to county seminaries, and all appropriations for schools, together with sundry minor funds; (b) the congressional township school fund, consisting of moneys from the sale of congressional township school lands.⁹ Distribution of the common school fund is made biennially by the state to the counties on the basis of the average daily attendance of school children.¹⁰ Both funds are under the control of the county and are loaned and managed by the county,¹¹ which is held liable for both principal and interest.¹²

Whenever more than \$5,000 in either fund remains unloaned in the county for six months, the county auditor must notify the auditor of state and the unloaned moneys may be transferred to another county.¹³

The school fund board makes all loans from these school funds to owners of real estate secured by mortgage. The board must satisfy itself, after approval of the title by the county attorney, as to the value of real estate offered in the mortgage, the validity of the title, and whether it is encumbered.¹⁴ Loans may also be made to the county upon proper authorization by the county council, in certain cases, for a period not exceeding five years.¹⁵

298. SCHOOL FUND MORTGAGES AND PAPERS, 1849-. 14 f. b. (A, B, CD, EG, H, IL, MO, PR, S, TZ, and 4 f. b. not labelled). Title varies: Legal Opinions on School Fund Abstracts, 1 f. b.; Old Abstracts School Fund Mortgage Papers, 1 f. b.

Documents of school fund board, including:

⁷ Const., art. 8, sec. 2.

⁸ Acts 1865; Burns 28-105; Baldwin 6511.

⁹ Acts 1865; Burns 28-101; Baldwin 6499.

¹⁰ Acts 1865, 1895, 1932 (Spec. Sess.), 1933; Burns 28-1013; Baldwin 6490.

¹¹ Acts 1865; Burns 28-101; Baldwin 6499. Acts 1907; Burns 28-102; Baldwin 6500.

¹² Acts 1865; Burns 28-104; Baldwin 6499-1.

¹³ Acts 1901; Burns 28-206; Baldwin 6573.

¹⁴ Acts 1865, 1935; Burns, 1939 suppl., 28-209; Baldwin, 1935 suppl., 6558.

¹⁵ Acts 1901; Burns 28-201, 28-202; Baldwin 6568, 6569.

- i. Original mortgages executed to secure school fund loans, showing date, number and amount of mortgage, name of mortgagor, location and description of property, and conditions of mortgage.
- ii. Abstracts of titles to property mortgaged to secure school fund loans, showing date of abstract, names of former and present owners, and location and description of property.
- iii. Appraisers' reports, showing appraised valuation of property and insurance policies covering property mortgaged, showing date of policy, name of insurance company, and amount of insurance.

Arr. alph. by names of mortgagors. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

For other school fund records, see entries 114, 347-355, 483-502.

XIV. TREASURER

The treasurer of Clay County is a constitutional officer, elected for a two-year term by the voters of the county.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ No person is eligible to the office of treasurer more than four years in any six-year period.⁴ The treasurer must be an elector of the county, and must have been an inhabitant thereof during one year next preceeding his election or appointment;⁵ and, while holding the office of treasurer, he must reside within the county, must not hold any other lucrative office,⁶ and must not practice law.⁷ He must post bond, covering his duties as county treasurer, in an amount (determined by the board of commissioners) not less than the amount of money which may come into his

¹ Const., art. 6, sec. 2. *Gemmer v. State ex rel. Stephens* (1904), 163 Ind. 150, 71 N. E. 478.

² *Ibid.*, art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3.

⁴ *Ibid.*, art. 6, sec. 2.

⁵ *Ibid.*, sec. 4.

⁶ *Ibid.*, art. 2, sec. 9; art. 6, sec. 6.

⁷ Acts 1865, ch. 42 (misnumbered 62), sec. 2. Acts 1905; Burns 10-3102; Baldwin 2636. *McCracken v. State* (1867), 27 Ind. 491.

hands at any time during his term. Said bond is approved by the board of commissioners and filed with the clerk of the circuit court.⁸ He must take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁹

The treasurer receives from the county a regular salary of \$2,040 per year. In addition to his salary he receives, as compensation for himself, six percent of all delinquent personal property taxes collected by him, plus a "demand fee" of 50 cents on each collection resulting from personal demand. From 1919 until 1933 he also received \$5 per day for each day actually served as member of the board of review of Clay County.¹⁰

For sufficient legal grounds, the treasurer may be removed by the circuit court after trial by jury on an accusation presented by the grand jury or verified by the oath of any person; and such removal is subject to review by the supreme court.¹¹ If the treasurer is convicted of a felony, the judgment of conviction must declare his office vacant.¹² If the treasurer becomes officially delinquent and a suit is commenced on his official bond, he may be removed from office by the board of commissioners,¹³ but such removal is subject to review by the circuit court.¹⁴

Any vacancy in the office of treasurer is filled by appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), a treasurer is elected for the remainder of the term in which the vacancy

⁸ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1851-52; Burns 49-123; Baldwin 13093. 1 Rev. Stat. 1852, Acts 1865, 1919; Burns 49-3101; Baldwin 5548. *Pepper v. State ex rel. Harvey* (1864), 22 Ind. 399.

⁹ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

¹⁰ Acts 1933; Burns 49-1001, 49-1004, 49-1016; Baldwin 7531, 7534, 7546. Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Town of Paoli v. Charles* (1905), 164 Ind. 690, 74 N. E. 508. *Opinions of the Attorney General of Indiana, 1934*, p. 313, 1936, p. 130. Interview of August 1, 1939 with E. P. Brennan, state examiner.

¹¹ Const., art. 2, secs. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-821 to 49-834, 49-836; Baldwin 13154 to 13166, 13050, 13168. Acts 1875; Burns 49-837; Baldwin 13052.

¹² Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹³ 1 Rev. Stat. 1852; Burns 49-3115; Baldwin 5562.

¹⁴ 1 Rev. Stat. 1852; Burns 26-901; Baldwin 5277.

occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁵

The treasurer may appoint one deputy without the approval of the board of commissioners, and may appoint additional deputies and assistants with such approval. The county council fixes the salaries of such deputies and assistants, and such salaries must be not less than \$75 nor more than \$200 per month.¹⁶ He may, at his own expense, employ other persons to collect delinquent personal property taxes by personal demand.¹⁷ The treasurer may require any deputy to give bond.¹⁸ The deputies must take the oath required of the treasurer, may perform all the official duties of the treasurer, and are subject to the same regulations and penalties.¹⁹ The treasurer may remove such deputies and assistants at any time, and is responsible for their official acts.²⁰

Beginning in 1825, the year in which Clay County was created,²¹ the board doing county business, under statutory authority, annually appointed a county treasurer, who received and disbursed county funds.²² Such disbursements were ordered paid by the board and attested by its clerk.²³ The treasurer did not collect taxes,²⁴ except the fees charged for tavern licenses²⁵ and for licenses for vending foreign merchandise.²⁶ The allowance to the county treasurer for his services was

¹⁵ Const., art. 6, sec. 9. Rev. Stat. 1843, ch. 7, sec. 74. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev. Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Douglass v. State ex rel. Wright (1869), 31 Ind.429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana. Beale v. State ex rel. Gray (1874), 49 Ind. 41; Weaver v. State ex rel. Sims (1899), 152 Ind. 479, 53 N. E. 450.

¹⁶ Rev. Stat. 1843, ch. 12, sec. 153. 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; suppl., Baldwin, 1937 7532.

¹⁷ Acts 1933, 1937; Burns, 1939 suppl., 49-1006; Baldwin, 1937 suppl., 7536.

¹⁸ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

¹⁹ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 1309. Lucas v. Shepherd (1861), 16 Ind. 368.

²⁰ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1939 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

²¹ Acts 1825, ch. 15.

²² Acts 1816-17, ch. 17, secs. 1-3.

²³ *Ibid.*, sec. 3.

²⁴ *Ibid.*, sec. 10; ch. 19, secs. 9, 15, 16.

²⁵ *Ibid.*, ch. 17, sec. 7.

²⁶ *Ibid.*, sec. 4.

one and one-half percent of all moneys received by him and one and one-half percent of all moneys paid out by him for the county, except moneys arising from the sale of lots at county seats, in which case he received no more than two percent both for receiving and paying out.²⁷ By an act of 1841 the treasurer became an elective officer for a three-year term, and since then has had charge of collecting taxes.²⁸

Before 1841 a tax collector, annually appointed by the board of commissioners, collected the taxes.²⁹ He delivered to the treasurer all funds collected by him, along with a list setting forth the amounts of moneys received by him in payment of taxes.³⁰ He made and delivered to the clerk of the circuit court an alphabetical list of all white males over 21 years of age³¹ and filed with the clerk a report concerning the sale of lands for delinquent taxes.³² The office of county treasurer became a constitutional office when the Constitution of 1851 was adopted.³³

The treasurer receives all moneys coming to the county and disburses the same on warrants issued by the auditor and countersigned by himself. He stamps on the warrant the name of the depository which is to pay it. He may pay the warrant out of funds in his office or require it to be presented to the depository for payment.³⁴ He collects taxes for the state and county and also for townships, cities, and towns in the county, as shown on the tax duplicate delivered to him by the auditor.³⁵ He sells real estate and personal property at public auction for delinquent taxes.³⁶ He also collects corporate

²⁷ Rev. Laws 1824, ch. 23, sec. 7.

²⁸ Acts 1840-41 (general), ch. 4, secs. 1, 13-22. *Ham v. State ex rel. Williams* (1844), 7 Blackford 344.

²⁹ Acts 1817-18 (general), ch. 42, sec. 14. Rev. Laws 1824, ch. 86, sec. 18.

³⁰ Acts 1825, ch. 9, sec. 1.

³¹ Acts 1829-30, ch. 9, sec. 5.

³² Rev. Laws 1824, ch. 86, sec. 36.

³³ Const., art. 6, sec. 2.

³⁴ Rev. Stat. 1843, ch. 7, sec. 79. Acts 1899, 1935; Burns, 1939 suppl., 26-522; Baldwin, 1935 suppl., 5386. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1939 suppl., 61-627; Baldwin, 1937 suppl., 18844-48. *State ex rel. Zable v. Benson* (1880), 70 Ind. 481.

³⁵ Acts 1897, ch. 54, sec. 1. Acts 1905; Burns 48-6701, 48-6702, 48-6705; Baldwin 11511 to 11513. Acts 1919; Burns 64-1408; Baldwin 15745. Acts 1919; Burns 64-1502; Baldwin 15748. *Standard Oil Co. v. Bretz* (1884), 98 Ind. 231.

³⁶ Acts 1932 (Spec. Sess.); Burns 64-1509, 64-1511; Baldwin 15752, 15754. Acts 1919, 1931; Burns 64-1701 to 64-1705, 64-2201, 64-2203 to 64-2211; Baldwin 15778 to 15782, 15806 to 15818. Acts 1919, 1931, 1937; Burns, 1939 suppl., 64-2202; Baldwin, 1937 suppl., 15807. *Pay v. Shanks* (1877), 56 Ind. 554.

taxes,³⁷ inheritance taxes,³⁸ and the excise tax on shares of stock and deposits of banks, trust companies,³⁹ and loan associations;⁴⁰ and sells intangible tax stamps for the state board of tax commissioners.⁴¹

All public funds paid into the county treasury must be deposited by the treasurer daily in one or more depositories designated by the board of finance. The treasurer makes monthly reports to the board of finance showing the balance of funds at the end of the previous month—consistent with the statements furnished to the board by the depository;⁴² makes quarterly reports to the board of commissioners and auditor showing the amount of money in the county treasury;⁴³ makes monthly reports to the auditor showing the total amount of cash payments received by him during the month and the respective accounts on which they were applied;⁴⁴ makes semi-annual settlements for taxes with the county auditor in May and November,⁴⁵ and in accordance therewith pays to the state treasurer in June and December all money due for state purposes;⁴⁶ and also makes payments to the state treasurer at other times.⁴⁷ He makes quarterly reports to the auditor showing specifically the amount of fees collected;⁴⁸ and deposits quarterly with the auditor all redeemed warrants.⁴⁹ On the first day of each month the treasurer furnishes to the city clerk of the city of Brazil a statement of all receipts and disbursements made by the treasurer for the city during the previous month, and the balance in the treasury belonging to each fund.⁵⁰

³⁷ Acts 1919; Burns 64-1801; Baldwin 15783.

³⁸ Acts 1931; Burns 6-2413; Baldwin 15951.

³⁹ Acts 1933; Burns 64-804; Baldwin 15585.

⁴⁰ Acts 1933; Burns 64-827; Baldwin 15608.

⁴¹ Acts 1933; Burns 64-927; Baldwin 15925.

⁴² Acts 1907; Burns 61-610; Baldwin 13814. Acts 1937; Burns, 1939 suppl., 61-624; Baldwin,

1937 suppl., 13844-45.

⁴³ Acts 1891, ch. 194, sec. 125. Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. Acts 1895, 1913; Burns 49-1403; Baldwin 7578. Wolfe v. State ex rel. Kennard (1883), 90 Ind. 16.

⁴⁴ Acts 1919; Burns 64-2101; Baldwin 15802.

⁴⁵ Acts 1919; Burns 64-2501; Baldwin 15850.

⁴⁶ Acts 1919; Burns 64-2503, 64-2504; Baldwin 15852, 15853.

⁴⁷ Acts 1859, 1861; Burns 49-1813; Baldwin 15059. Acts 1937; Burns, 1939 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

⁴⁸ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577.

⁴⁹ 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

⁵⁰ Acts 1905; Burns 48-6727; Baldwin 11530. Miller v. State ex rel. City of Indianapolis

The county treasurer is ex officio a member of the board of review, which meets annually for the purpose of reviewing property tax valuations.⁵¹

The treasurer must keep his office, books, and papers in a fireproof building (if available) and his office must be open for transaction of business during business hours.⁵² He must keep a cashbook wherein are entered daily, by item, all receipts of public funds. The book must be balanced daily, show funds on hand at the close of each day, and be open to public inspection.⁵³ He keeps records of all receipts and disbursements in a general account, and also in separate accounts for the separate appropriations and distinct funds.⁵⁴

Forms for the following books have been prescribed for county treasurers by the state board of accounts: Daily balance of cash and depositories; record of warrants by depositories; ledger of receipts and disbursements; register of taxes collected; record of bids for bonds; daily inventory of intangible tax stamps. This board has prescribed forms of blanks for treasurer's receipts, tax receipts, delinquent tax receipts, bank and building and loan intangible tax receipts, moratorium tax receipts, and monthly reports to county auditor.⁵⁵

The books and accounts of the treasurer are audited, from time to time without notice, by the state examiner.⁵⁶ Before 1909 the board of commissioners, at each regular session, audited the books of the treasurer.⁵⁷

(1886), 106 Ind. 415, 7 N. E. 209; Truelove v. City of Washington (1907), 169 Ind. 291, 293 (3) 82 N. E. 530.

⁵¹ Acts 1891, ch. 99, sec. 114. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁵² 1 Rev. Stat. 1852; Burns 49-3106; Baldwin 5553. Acts 1853; Burns 49-3107, 49-3108; Baldwin 5556, 5557.

⁵³ Acts 1937; Burns, 1939 suppl., 61-623; Baldwin, 1937 suppl., 13844-44.

⁵⁴ Acts 1841-42 (general), ch. 4, sec. 5. 1 Rev. Stat. 1852; Burns 49-3109; Baldwin 5554.

⁵⁵ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

⁵⁶ Acts 1909; Burns 60-211; Baldwin 13852.

⁵⁷ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237. 1 Rev. Stat. 1852; Burns 49-3110; Baldwin 5555. Interview of May 18, 1939 with E. P. Brennan, state examiner.

TAX COLLECTIONS

PERSONAL AND REAL PROPERTY

299. TAX DUPLICATE AND DELINQUENT LIST, 1877-. 210 vols. (labelled by years).

Record of taxes payable and amounts returned delinquent, showing installment date, names of taxpayer and taxing unit, location and description of lands, lots and improvements, and amounts payable, paid and delinquent. This is a combination of two records formerly kept separately: Tax Duplicate, 1851-76, entry 300; Delinquent List, 1851-76, entry 305. Arr. by names of taxing units, thereunder num. by duplicate nos. No index. Hdw. 375 pp. 17 x 26 x 24. 181 vols. 1877-1931 attic stor. rm.; 29 vols. 1931-, treas. off.

300. TAX DUPLICATE, 1851-76. 34 vols. (labelled by years). 1877- in Tax Duplicate and Delinquent List, entry 299.

Treasurer's record of all taxes payable, showing dates due and paid, duplicate number, names of taxpayer and taxing unit, location and description of property, value of lands, lots and improvements, amounts of poll, special assessments and exemptions, and amount due and paid. Arr. by names of taxing units, thereunder num. by duplicate nos. No index. Hdw. 400 pp. 17 x 26 x 24. Attic stor. rm.

301. REGISTER OF TAXES COLLECTED, 1911-. 44 vols. (1-13, and 31 vols. not numbered). Title varies: Cash Book of Taxes, 1911-Nov. 5, 1923, 13 vols.; Cash Book For Reception of Tax Payments, Nov. 7, 1923-May 5, 1924, 1 vol. 1869-1910 in Treasurers Cash Book, entry 334.

Daily record of taxes collected, showing date, amount and source of payment, name of taxing unit, tax duplicate number, and distribution to state and local tax units. Arr. by names of taxing units, thereunder chron. by dates of collections. No index. 320 pp. 18 x 13 x 1½. 37 vols., 1911-35 attic stor. rm., 7 vols., 1936-. Treas. vt.

302. [DUPLICATE TAX RECEIPTS], 1853-56, 1910-. 9 cartons, 906 vols. (labelled by years).

Duplicate tax receipts, showing dates of receipt and payment, names of taxpayer and taxing unit, description and location of property, amounts of poll, personal and real estate taxes due and paid, and tax duplicate number. Also contains: Delinquent Tax Receipts, 1933-, entry 307; Tax Receipts [Ditch], 1923-, entry 320; Levee Repair Receipts, 1921-, entry 321.

Arr. chron. by dates of receipts. No index. Hdw. Cartons, size varies; 229 vols. 600 pp. 6 x 9 x 6; 677 vols. 250 pp. 11 x 14 x 1½. 9 cartons, 868 vols., 1853-56, 1910-36, attic stor. rm.; 38 vols., 1937-, treas. off.

303. CASH BOOK CITY TAXES, 1908-9. 1 vol.

Register of collections and deposits of current and delinquent city taxes by deputy collector and payments to city treasurer by county treasurer, showing dates and amounts of collection, deposit and payment, names of payer, collector, depository, and treasurer, certificate and warrant numbers, total current and delinquent collections, and monthly balances. Arr. chron. by dates of collections. No index. Hdw. 404 pp. 18 x 13 x 2. Attic stor. rm.

DELINQUENTS

304. [DELINQUENT TAX REGISTER], 1935-. 2 vols.

Register of taxes returned delinquent, and transferred to tax duplicate as delinquent, showing date of installment due and duplicate, names of taxpayer and taxing unit, amount and total delinquency transferred. Arr. by taxing unit, thereunder alph. by names of taxpayer. Hdw. 226 pp. 12 x 15 x 1½. Treas. off.

305. DELINQUENT LIST, 1851-76. 16 vols. (labelled by years). 1877- in Tax Duplicate and Delinquent List, entry 299.

Record of lands and lots returned delinquent for nonpayment of taxes, showing installment date, names of property owner and taxing unit, location, description, and assessed valuation of property, and amounts of delinquency, penalty and interest. Arr. by names of taxing units, thereunder num. by duplicate nos. No index. Hdw. 375 pp. 17 x 26 x 24. Attic stor. rm.

306. COLLECTION REGISTER, 1896-1910. 28 vols. (labelled by taxing units).

Register of delinquent taxes collected by deputy, showing names of person assessed and taxing unit, tax duplicate number, kind of tax, location, description and assessed valuation of taxable property, amounts of delinquency, penalty and costs, and total payable. Arr. by taxing units, thereunder alph. by names of persons assessed. No index. Hdw. 113 pp. 10 x 6 x 1½. Attic stor. rm.

307. DELINQUENT TAX RECEIPTS, 1908-32. 221 vols. 3 cartons. 1933- in [Duplicate Tax Receipts], entry 302.

Stubs of receipts issued for payment of delinquent taxes, showing year of delinquency, date of payment, names of taxing unit

and taxpayer, and amounts of delinquency, costs, fees, and total payment. Arr. chron. by dates of payments. Hdw. Vols., 50 pp. 4 x 12 x 1; cartons, 17 x 16 x 12. Attic stor. rm.

308. MORATORIUM TAX DUPLICATES, 1934-. 1 vol.

Record of taxpayers who have elected to pay delinquent taxes on deferred payment plan, showing date of moratorium, names of taxpayer and taxing unit, schedule of payments, duplicate number, amount of tax, date and amount of payment, balance, and location and description of property. Arr. by taxing units, thereunder num. by duplicate nos. No index. Hdw. 150 pp. 18 x 15 x 1½. Treas. vt.

309. [MORATORIUM WORK SHEET BOOK], 1934-. 4 vols. (1-4). Register of persons assessed and owing delinquent taxes, showing tax duplicate number, date of delinquency, names of person assessed and taxing unit, and amounts of delinquency, penalty and total. Arr. by taxing units, thereunder alph. by names of persons assessed. No index. Hdw. 500 pp. 9 x 12 x 4. Treas. off.

310. INSOLVENT TAX RECORD, 1857-79, 1906-22, 1936-. 4 vols. Title varies: Record of Insolvent and Discharged Taxes, 1857-79, 1906-22.

Record of taxes removed from duplicate, showing dates of delinquency and removal, name of taxpayer and taxing unit, amount of taxes unpaid and removed, and reason given for removal, and duplicate number. Arr. by taxing units, thereunder chron. by dates of delinquencies. No index. Hdw. 260 pp. 17 x 14 x 1½. 4 vols., 1857-79, 1906-22, attic stor. rm.; 1 vol., 1936-, treas. off.

INHERITANCE TAX (see also entries 234-237, 286, 287, 365)

311. INHERITANCE TAX PAPERS, 1929-. 4 f. b.

Court orders determining value of estates and amounts of inheritance tax due, showing dates of notice, decedent's death, filing and order, names of estate, executor or administrator, legatee and tax appraiser, relationship of legatee, amounts of estate, bequest, exemption, tax due, penalty and appraiser's allowance, rate of tax, cause number, and location and description of real estate. Arr. num. by cause nos. No index. Typed. 11 x 5 x 14. Treas. vt.

312. [INHERITANCE TAX RECEIPTS AND STUBS], 1914-. 2 vols. Carbon copies and stubs of receipts for payments of inheritance tax, showing dates of death and receipt, names of decedent, legatees and payer, amounts of tax, interest and discount, cause and receipt numbers, and amount of payment. Arr. num. by receipt nos. No index. 400 pp. 10 x 15 x 2. Treas. off.

INTANGIBLE TAX(see also entry 277)

313. MONTHLY STATEMENTS, 1937-. 4 f. b.

Monthly reports of excise tax returns, showing date of report and payment, name of institution, amount of tax and payment receipt number, and itemized schedule of tax. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Treas. vt.

314. [BANK AND INTANGIBLE TAX RECEIPT BOOK], 1935-. 1 vol.

Carbon copies of receipts issued by treasurer upon payment of bank and intangible taxes, showing dates of receipt and tax report, names of payer and taxing unit, amount of payment, receipt number, and nature of payment. Arr. num. by receipt nos. No index. Hdw. and typed. 72 pp. 17 x 8 x 1. Treas. vt.

315. INTANGIBLE TAX REPORTS, 1933-. 2 f. b.

Carbon copies of monthly reports of intangible tax stamp sales and receipts, showing dates of report, and consignment, inventory by denominations of stamps on hand at beginning and end of month, total and number of stamps received and sold, and consignment number. Arr. chron. by dates of reports. No index. Typed. 11 x 5 x 14. Treas. vt.

PUBLIC IMPROVEMENTS (see also entries 34-42, 428-437)

316. GRAVEL ROAD TAX DUPLICATES, 1894-96. 4 vols. (1 vol. not numbered, 2, and 2 vols. not numbered).

Register of tax assessments for construction of gravel roads, showing dates and amounts of assessment and payment, name of property owner, tax duplicate number, location and description of property, and amounts of delinquencies, penalties and total. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 150 pp. 18 x 13 x 1½. Attic stor. rm.

317. ROAD TAX RECEIPTS, 1869, 1875-82, 1884, 1886-87, 1889-94, 1910-18. 29 f. b. Discontinued.

Original and duplicate receipts for road tax paid by working on roads, showing date of receipt, names of laborer, road supervisor and township, amounts of tax, receipt, personal and real property assessments and total taxable valuation for year assessed, road district and receipt numbers, and nature and amount of work performed. Arr. chron. by dates of receipts. No index. Hdw. 26 f. b., 6 x 4 x 9; 3 f. b., 11 x 5 x 14. 25 f. b., 1869, 1875-82, 1884, 1886-87, 1889-94, attic stor. rm.; 3 f. b., 1910-18, aud. rec. rm.

318. REGISTER OF ROAD RECEIPTS, 1881-87. 1 vol.

Register of receipts issued in settlement for road repair assessments to individuals who performed their own repair

work on assignments allotted them, showing date and amount of receipt, names of taxing unit and owner, location of allotment and duplicate number. Arr. alph. by names of taxing units, thereunder chron. by dates of receipts. Hdw. 399 pp. 16 x 12 x 1½. Attic stor. rm.

319. DITCH TAX DUPLICATE, 1900-. 5 vols. Title varies: Ditch and Levee Repair Duplicate, 1911-22.

Record of current and delinquent taxes for repairs to county ditches, showing dates of assessment and payments, names of taxpayer and ditch or levee, location and description of ditch, amounts paid and delinquent, and duplicate number. Arr. alph. by names of ditches or levees, thereunder num. by duplicate nos. No index. 150 pp. 17 x 20 x 2. 2 vols., 1900-17, attic stor. rm.; 3 vols., 1918-, Treas. off.

320. TAX RECEIPTS [Ditch], 1911-15, 1917-22. 23 vols. (labelled by years). 1923- in [Duplicate Tax Receipts], entry 302.

Carbon copies of receipts issued for payment of ditch taxes, showing date and amount of payment, name of payer, receipt number, and location and description of property. Arr. chron. by dates of payments. No index. Hdw. 100 pp. 6 x 13 x 1½. Attic stor. rm.

321. LEVEE REPAIR RECEIPTS, 1905, 1911-14, 1916-20. 22 vols. (labelled by years). 1921- in [Duplicate Tax Receipts], entry 302.

Stubs and carbon copies of receipts issued by treasurer upon payment of levee repair taxes, showing date and amount of payment, names of payer and levee, and receipt number. Arr. chron. by dates of payments. No index. Hdw. 125 pp. 6 x 14 x 2. Attic stor. rm.

RECEIPTS AND DISBURSEMENTS

GENERAL FUND

322. DAILY BALANCE OF CASH AND DEPOSITORIES, 1913-. 27 vols.

Record of daily cash receipts, disbursements, and balances, showing date of balance, amounts of balances in cash and depositories, amounts and source of revenue, disbursements itemized, withdrawals and previous and current balances. This is a combination of two records formerly kept separately: Treasurers' Daily Balance Book, 1904-12, entry 323; and Treasurers' Daily Statement, 1904-12, entry 324. Arr. chron. by dates of balances. No index. Hdw. 350 pp. 18 x 13 x 3. 23 vols. 1913-35, attic stor. rm.; 4 vols., 1936-, treas. vt.

323. TREASURERS' DAILY BALANCE BOOK, 1904-12. 5 vols. (2-6). 1913—in Daily Balance of Cash and Depositories, entry 322.

Register of daily receipts, disbursements, and balances, showing date of balance, amounts of receipts and disbursements, amount and source of revenue, nature of disbursement, deposits and withdrawals from depositories, and balance at beginning and close of day. Arr. chron. by dates of balances. No index. Hdw. 750 pp. 16 x 12 x 3. Attic stor. rm.

324. TREASURERS' DAILY STATEMENT, 1904-12. 4 vols. Title varies: Daily Statement Register, 1904-11, 3 vols. 1913—, in Daily Balance of Cash and Depositories, entry 322.

Daily statement of receipts and disbursements and cash in depositories, showing date of statement, name of depository, amounts of deposits, withdrawals, and balances, cash on hand at beginning and end of day, and total balance in cash and depositories. Arr. chron. by dates of statements. No index. 132 pp. 16 x 12 x 1½. Attic stor. rm.

325. RECORD OF MONTHLY BALANCES, 1854-71, 1912—. 7 vols.

Title varies: Monthly Financial Statement, 1925-27.

Register of monthly financial statements of receipts, disbursements and balances in county funds, showing date of statement, name of fund, amounts of previous and current receipts and disbursements and balances, and monthly totals. Arr. chron. by dates of statements. No index. Hdw. 500 pp. 16 x 11 x 1½. 5 vols., 1854-71, 1912-27, attic stor. rm.; 2 vols., 1928—, treas. vt.

326. RECORD OF BALANCES, COUNTY FUNDS, 1908. 1 vol.

Card record of annual balances of county funds, showing dates and amounts of prior and current balances, name of fund, and amounts of receipts and disbursements, and totals. Arr. chron. by dates of balances. No index. Hdw. 150 pp. 17 x 29 x 1½. Attic stor. rm.

327. RECORD OF SETTLEMENTS WITH COMMISSIONERS, 1887-99. 1 vol.

Commissioners', auditor's and treasurer's annual financial reports, showing dates of report and recording, name of fund, forwarding and current balances, amounts of receipts and disbursements, and total indebtedness of county. Arr. chron. by dates of reports. No index. 1887-98, hdw.; 1899, ptd. 200 pp. 19 x 15 x 1. Attic stor. rm.

328. [LEDGER OF RECEIPTS AND DISBURSEMENTS], 1925-. 4 vols. (1-4).

Record of receipts and disbursements of county funds, showing date and amount of receipt or disbursement, name of fund and account, source of receipt, nature of disbursement, warrant and receipt number, and total receipts and disbursements. This is a combination of two records formerly kept separately: Record of Receipts, 1911-24, entry 329; and Record of Disbursements 1911-24, entry 330. Arr. by names of funds, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 350 pp. 19 x 15 x 2. 1 vol., 1925-30, attic stor. rm.; 3 vols., 1925-, treas. vt.

329. RECORD OF RECEIPTS, 1911-24, 2 vols. (1, 2). 1880-1910, in Receipt and Disbursements County Funds, entry 331. 1925- in [Ledger of Receipts and Disbursements], entry 328.

Record of receipt of county revenue, showing date and amount of receipt, source of revenue, fund debited, receipt number, and amount of balance or overdraft. Arr. chron. by dates of receipts. No index. 101 pp. 18 x 15 x 2. Attic stor. rm.

330. RECORD OF DISBURSEMENTS, 1911-24. 5 vols. (1-3, 1, 2). 1880-1910, in Receipts and Disbursements County Treas., entry 331. 1925- in [Ledger of Receipts and Disbursements] entry 328.

Record of disbursements of county funds, showing date, amount and nature of disbursement, name of fund and depository, and warrant number. 1911-15, arr. by names of funds, thereunder chron. by dates of disbursements. No index. Hdw. 200 pp. 18 x 24 x 2. Attic stor. rm.

331. RECEIPTS AND DISBURSEMENTS COUNTY FUND, 1880-1910. 4 vols. (1-4).

Record of receipts and disbursements of county funds, showing dates and amounts of receipts and disbursements, names of payee, payer and fund, source of receipt, receipt and order numbers, total receipts and disbursements, balances and overdraft. This is a combination of two records later kept separately: Record of Receipts, 1911-24, entry 329; and Record of Disbursements, 1911-24, entry 330. Arr. chron. by dates of receipts and disbursements. No index. 300 pp. 17 x 20 x 3. Attic stor. rm.

332. RECORD OF RECEIPTS AND DISBURSEMENTS, COUNTY OFFICERS FUND, 1893-1910. 1 vol.

Ledger of receipts and disbursements of funds for clerk of the circuit court, auditor, sheriff, treasurer, and recorder,

showing date and amount of receipt or disbursement, name of fund, receipt or order number, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 238 pp. 18 x 12 x 2. Attic stor. rm.

For subsequent records, see entry 333.

333. CASH BOOK OF RECEIPTS OTHER THAN TAXES, 1911-21.
1 vol. (1), 1869-1910 in Treasurers Cash Book,
entry 334.

Record of receipts other than taxes, showing date and amount of receipt, names of payer and fund, receipt number, total annual receipts and disbursements, and balance. Arr. chron. by dates of receipts. No index. Hdw. 225 pp. 16 x 12 x 2. Attic stor. rm.

334. TREASURERS CASH BOOK, 1869-1910. 32 vols. (numbering varies).

Daily record of payments received by treasurer for taxes and other sources, showing date, amount, and source of payment, name of payer, receipt number and total receipts. This is a combination of two records later kept separately: Register of Taxes Collected 1911-, entry 301; and Cash Book of Receipts Other Than Taxes, 1911-21, entry 333. Arr. chron. by dates of receipts. No index. Hdw. 684 pp. 18 x 13 x 2½. Attic stor. rm.

335. RECEIPTS AND DISBURSEMENTS TOWNSHIP AND CORPORATION TAXES, 1880-1910. 2 vols. (1, 2). Title varies: Receipts and Disbursements Taxes etc., 1880-1904, 1 vol.

Record of receipts and disbursements of county revenue, showing date, amount and nature of receipt or disbursement, name of payee and fund, and receipt and order numbers. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 206 pp. 17 x 21 x 2. Attic stor. rm.

For subsequent records, see entries 301, 333.

336. REGISTER OF WARRANTS BY DEPOSITORIES, 1911-. 11 vols. (1 vol. not numbered, 1-10). Title varies: Cash Book of Disbursements On Auditors Warrants, 1911-12, 1 vol.; Register of Warrants and Record of Depository Balances, 1913-24, 3 vols.

Register of warrants drawn on depositories of county funds, showing date, amount and number of warrant, date of payments, name of depository, account number, and total warrants drawn on depositories. 1911-12, 1925-, arr. num. by warrant nos.; 1913-24 arr. by names of depositories, thereunder chron. by dates of payments. No index. Hdw. 400 pp. 18 x 14 x 3. 8 vols., 1911-Sept. 3, 1935, attic stor. rm.; 3 vols., Sept. 4, 1935-, treas. vt.

337. REGISTER OF ORDERS, 1844-Nov. 20, 1880. 3 vols. Register of county orders redeemed by treasurer, showing date and amount of order, and payment, name of payee, order number and nature of claim. Arr. num. by order nos. No index. Hdw. 200 pp. 16 x 12 x 2½. Attic stor. rm.

338. JOURNAL (County Orders), 1852-80. 2 vols. Daily journal of orders redeemed on county officers' funds, showing date, amount and number of order, name of payee and fund, and amounts of interest, principal and total. Arr. alph. by names of funds, thereunder num. by order nos. Hdw. 550 pp. 16 x 12 x 2½. Attic stor. rm.

339. [DUPLICATE WARRANTS], 1936-. 1 carton. Duplicates of treasurer's warrants, showing date, amount and number of warrant, names of payee, depository and fund, and purpose of disbursement. Arr. num. by warrant nos. No index. Typed. 18 x 15 x 27.

340. BANK RECONCILEMENT, 1936-. 1 f. b. Monthly statements submitted by depositories, showing date of statement, name of depository, amounts and numbers of outstanding warrants, and total amounts of warrants issued, redeemed and outstanding. Arr. chron. by dates of statements. No index. Hdw. and typed. 11 x 5 x 14. Treas. vt.

341. DEPOSIT SLIPS, 1936-. 1 f. b. Monthly deposit slips issued by depositories, showing date and amount of deposit, name of depository, and total amount deposited at end of month. Arr. chron. by dates of deposit slips. No index. Hdw. 11 x 5 x 14. Treas. vt.

342. RAIL ROAD TAX ASSESSMENTS, 1874. 1 f. b. Auditor's certificates of refund of railroad tax assessments previously paid by property owners, presented to treasurer for refund, showing dates of certificate and redemption, names of property owner and township, amount of assessment refunded, date of assessment, and certificate number. Arr. num. by certificate nos. No index. Hdw. 6 x 4 x 9. Attic stor. rm.

343. TREASURERS' RECEIPTS, 1920-. 4 vols. Stubs and carbon copies of receipts issued by treasurer for payments other than taxes, showing date and amount of payment, name of payer, receipt number, and purpose of payment. Arr. num. by receipt nos. No index. Hdw. 475 pp. 16 x 12 x 3. 3 vols., 1920-35, attic stor. rm.; 1 vol., 1936-, treas. off.

344. TREASURER'S RECEIPTS FOR OFFICIAL FEES, 1908-10. 1 vol. Stubs of receipts issued by treasurer for payment of official

fees, showing date, amount and number of receipt, and name of payer. Arr. num. by receipt nos. No index. Hdw. 162 pp. 8 x 11 x 1. Attic stor. rm.

For subsequent records, see entry 343.

345. REDEMPTION RECEIPTS, 1890-1911. 2 vols.

Stubs of receipts issued by treasurer for redemption of property sold for non payment of taxes, showing date, amount, and number of receipt, names of redeemer and purchaser, tax sale certificate number, and location and description of property. Arr. chron. by dates of receipts. No index. Hdw. 200 pp. 17 x 11 x 1. Attic stor. rm.

ROAD FUNDS

346. RECEIPTS AND DISBURSEMENTS GRAVEL ROAD FUNDS, 1893-1910. 3 vols. (1, 2, 2).

Daily record of receipts and disbursements in gravel road funds showing date, amount, and number of warrant or receipt, names of payer or payee and fund, and balance. Arr. chron. by dates of warrants and receipts. No index. Hdw. 195 pp. 11 x 19 x 2½. Attic stor. rm.

SCHOOL FUNDS (see also entries 114, 298, 483-502)

347. RECEIPTS AND DISBURSEMENTS SCHOOL FUND PRINCIPAL & INTEREST, 1905-10. 1 vol. (2).

Record of receipts and disbursements of school fund principal and interest, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total receipts and disbursements, and balance. This is a combination of two records previously kept separately: Receipts and Disbursements S[chool] F[und] Principal, 1880-1904, entry 348; Receipts and Disbursement School Fund Interest, 1880-1904, entry 349. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 204 pp. 17 x 16 x 2. Attic stor. rm.

For subsequent records, see entries 329, 330.

348. RECEIPTS AND DISBURSEMENTS S[chool] F[und] PRINCIPAL, 1880-1904. 1 vol. 1905-10 in Receipts and Disbursements School Fund Principal & Interest, entry 347.

Record of receipts and disbursements of school fund principal, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 200 pp. 17 x 16 x 1½. Attic stor. rm.

349. RECEIPTS AND DISBURSEMENTS SCHOOL FUND INTEREST, 1880-1900, 1902-4. 2 vols. (1, 2). 1905-10 in Receipts and Disbursements School Fund Principal & Interest, entry 347.

Record of receipts and disbursements of school fund interest, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 182 pp. 17 x 19 x 1½. Attic stor. rm.

350. REGISTER OF RECEIPTS, TRUST FUND, 1851-80. 1 vol. Discontinued.

Daily register of school trust fund receipts, showing date, amount and nature of payment, names of payer and fund, and receipt number. Arr. chron. by dates of receipts. 1851-78, no index; for index, 1879-80, see entry 351. Hdw. 300 pp. 16 x 11 x 2. Attic stor. rm.

351. INDEX TO REG[ister] OF RECEIPTS OF INTEREST, TRUST FUND, 1879-80.

Partial index to Register of Receipts, Trust Fund, entry 350, showing name of mortgagor, date and amount of loan, and receipt number. Arr. alph. by names of mortgagors. Hdw. 100 pp. 14 x 8½ x ½. Attic stor. rm.

352. JOURNAL, TRUST FUND, 1851-76. 1 vol. Discontinued. Daily record of trust fund receipts and disbursements, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, and total receipts and disbursements. Arr. by names of funds, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 400 pp. 16 x 11 x 2. Attic stor. rm.

353. LEDGER, TRUST FUND, 1853-60. 1 vol.

Record of trust fund receipts and disbursements, showing date of balance, date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 400 pp. 16 x 11 x 1½. Attic stor. rm.

354. REGISTER OF ORDERS TRUST FUND, 1852-83. 1 vol.

Register of orders drawn against school funds, showing date, amount and number of order, name of payee, nature of payment, and date of redemption. Arr. num. by order nos. No index. Hdw. 200 pp. 16 x 11 x 2. Attic stor. rm.

355. INTEREST, PRINCIPAL, FINES, 1890-96, 1910-11. 2 vols. Stubs of treasurer's receipts issued for payment on school fund

loans and justice of the peace fines, showing date and amount of payment, name of payer, receipt number, and nature of payment. Arr. num. by receipt nos. No index. Hdw. 204 pp. 17 x 11 x 1. Attic stor. rm.

For subsequent records, see entry 343.

XV. AUDITOR

The auditor of Clay County is a constitutional officer, elected for a four-year term by the voters of the county.¹ He is commissioned by the governor,² and holds office until his successor is elected and qualified.³ No person is eligible to the office of auditor more than eight years in any twelve-year period.⁴ The auditor must be an elector of the county, and must have been an inhabitant thereof during one year next preceding his election or appointment;⁵ and, while holding the office of auditor, he must reside within the county, must not hold any other lucrative office, and must not practice law.⁶ He must post bond in the amount of \$10,000 approved by the board of commissioners and filed with the clerk of the circuit court,⁷ and take an oath that he will support the state and federal constitutions and will faithfully discharge the duties of his office.⁸

The auditor receives a regular salary of \$2,400 per year.⁹ In addition to his regular salary, he receives \$100 per year for services rendered for the city of Brazil; and from 1907 to 1932, and in 1935 and 1936, he also received \$50 per year for acting as secretary of the board of finance of Clay County;

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415.

² Const., art. 15, sec. 6. 1 Rev. Stat. 1852; Burns 49-201; Baldwin 13095.

³ Const., art. 15, sec. 3. 1 Rev. Stat. 1852; Burns 49-3001; Baldwin 5415. *Griebel v. State ex rel. Niezer*, 111 Ind. 369, 12 N. E. 700.

⁴ Const., art. 6, sec. 2.

⁵ *Ibid.*, sec. 4. *State ex rel. Jeffries v. Kilroy*, 86 Ind. 118.

⁶ Const., art. 2, sec. 9; art. 6, sec. 6. Acts 1905; Burns 10-3102; Baldwin 2636. *State v. Allen*, 21 Ind. 516; *Wells v. State ex rel. Peden*, 175 Ind. 380, 94 N. E. 321.

⁷ Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-104, 49-105, 49-120; Baldwin 13057, 13063, 13068. Acts 1889; Burns 49-3003; Baldwin 5417.

⁸ Const., art. 15, sec. 4. Acts 1905; Burns 10-3708; Baldwin 2660. 1 Rev. Stat. 1852; Burns 49-101; Baldwin 13054.

⁹ Acts 1933; Burns 49-1004; Baldwin 7534.

and from 1919 until 1933, he also received \$5 per day for each day actually served as member of the board of review of Clay County.¹⁰ He is not entitled to retain, as compensation for himself, any fees collected by him.¹¹

For sufficient legal grounds, the auditor may be removed by the circuit court, after trial by jury on an accusation presented by the grand jury or verified by oath of any person; and such removal is subject to review by the supreme court.¹² If the auditor is convicted of a felony, the judgment of conviction must declare the office vacant.¹³

Any vacancy in the office of auditor is filled by appointment by the board of commissioners. At the next biennial general election (held on the first Tuesday after the first Monday in November in the even-numbered years), an auditor is elected for the remainder of the term in which the vacancy occurred, unless such term has expired. The person appointed or elected to fill a vacancy must take oath and post bond, as was required of his predecessor, and holds office until his successor is elected and qualified.¹⁴

The auditor may appoint one deputy without the approval of the board of commissioners, and may appoint additional deputies and assistants with such approval. The county council fixes the salaries and other compensation of such deputies and assistants, and the salaries must be not less than \$75 nor more than \$200 per month.¹⁵ The auditor may require any deputy to give bond.¹⁶ The deputies must take the oath re-

¹⁰ Acts 1907, ch. 222, sec. 7 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1909, ch. 112, sec. 1. Acts 1935, ch. 70, sec. 7 (repealed by Acts 1937, ch. 3, sec. 42). Acts 1933; Burns 48-1230, 49-1001, 49-1004; Baldwin 1411, 7531, 7534. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201, 64-1204; Baldwin 15700, 15703. *Opinions of the Attorney General of Indiana, 1934*, p. 313, 1936, p. 130. Board of County Comrs. v. Johnson, 127 Ind. 238, 26 N. E. 821; Tucker v. State ex rel. Board of County Comrs., 163 Ind. 403, 71 N. E. 140.

¹¹ Acts 1933; Burns 49-1005; Baldwin 7535. Workman v. State ex rel. Board of County Comrs., 165 Ind. 42, 73 N. E. 917.

¹² Const., art. 2, sec. 6, 7; art. 6, sec. 8. Acts 1897, 1899; Burns 49-820 to 49-834, 49-836; Baldwin 13153 to 13166, 13050, 13163. Acts 1875; Burns 49-837; Baldwin 13052.

¹³ Acts 1897, 1899; Burns 49-834; Baldwin 13050.

¹⁴ Const., art. 6, sec. 9. Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081. 1 Rev Stat. 1852; Burns 49-405, 49-408, 49-409; Baldwin 13104, 13106, 13107. Douglass v. State ex rel. Wright, 31 Ind. 429. Interview of July 11, 1939 with Omer Stokes Jackson, Attorney General of Indiana.

¹⁵ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108. Acts 1933, 1935, 1937; Burns, 1938 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

¹⁶ 1 Rev. Stat. 1852, Acts 1855, 1925; Burns 49-501; Baldwin 13108.

quired of the auditor, may perform all the official duties of the auditor, and are subject to the same regulations and penalties.¹⁷ The auditor may remove such deputies and assistants at any time, and is responsible for their official acts.¹⁸

The office of auditor was created in Clay County by an act of 1841 and became a constitutional office when the Constitution of 1851 was adopted. Under the act of 1841, the auditor was elected by the voters of the county for a five-year term.¹⁹

Ever since the creation of Clay County in 1825,²⁰ there has been a clerk of the circuit court in the county.²¹ Most of the early duties of the auditor were transferred to him from the clerk,²² and included the clerk's previous duties as clerk of the board of commissioners,²³ as member of the boards performing duties like those of the present county board of review,²⁴ duties concerning taxation, finance, and county business,²⁵ duties concerning the empanelling of petit jurors and grand jurors,²⁶ and duties concerning elections.²⁷

¹⁷ 1 Rev. Stat. 1852; Burns 49-502; Baldwin 13109.

¹⁸ 1 Rev. Stat. 1852; Burns 49-503; Baldwin 13110. Acts 1933, 1935, 1937; Burns, 1938 suppl., 49-1002; Baldwin, 1937 suppl., 7532.

¹⁹ Const., art. 6, sec. 2. Acts 1840-41 (general), ch. 2, sec. 1. Jones v. Cavins, 4 Ind. 305.

²⁰ Acts 1825, ch. 15.

²¹ Const. 1816, art. 11, sec. 10. Const., art. 6, sec. 2.

²² Jones v. Cavins, 4 Ind. 305.

²³ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6. Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53.

²⁴ Acts 1817-18 (general), ch. 42, sec. 12. Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8. Acts 1838-39 (general), ch. 14, secs. 14, 15.

²⁵ Acts 1811, ch. 37, sec. 3. Acts 1813, ch. 8, sec. 6. Acts 1813-14, ch. 32, sec. 2. Rev. Laws 1824, ch. 23, sec. 6; ch. 86, secs. 7, 10, 11, 17, 19, 29, 36, 41. Acts 1825, ch. 49, sec. 2. Acts 1825-26, ch. 58, sec. 2. Acts 1829-30, ch. 9, sec. 1. Acts 1831-32, ch. 174, sec. 1. Acts 1834-35 (general), ch. 10, sec. 5; ch. 11, sec. 18. Rev. Stat. 1838, ch. 91, sec. 26; ch. 95, sec. 1. Acts 1840-41, ch. 2, sec. 54.

²⁶ Acts 1841-42 (general), ch. 45, sec. 6. 2 Rev. Stat. 1852, pt. 1, ch. 9, sec. 1, p. 24. Acts 1853, ch. 59, sec. 1. These duties were discontinued in 1881. Acts 1881 (Spec. Sess.), 1899, 1913; Burns 4-3301, 4-3304, 4-3306; Baldwin 1266, 1267, 1270.

²⁷ Rev. Stat. 1838, ch. 32, secs. 18, 19. Acts 1834-35 (general), ch. 43, sec. 1. Acts 1841-42 (general), ch. 45, sec. 8. Rev. Stat. 1843, ch. 5, sec. 103. Acts 1875, ch. 7, sec. 1. Acts 1881 (Spec. Sess.), ch. 47, sec. 13. Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5; ch. 150, secs. 5, 13 (both sections repealed by Acts 1913, ch. 185, sec. 25).

From the time of the creation of the county in 1825²⁸ until 1852, there was a county agent in Clay County who performed various duties concerning county business, as required by the board of commissioners or board of justices, including the collection of donations for the county, purchase of land, equipment, and supplies, the sale of county property and collection of the purchase price thereof, and the making of contracts for public improvements. Originally he was appointed for an indefinite term by the board of commissioners or board of justices. From 1843 until 1852 he was appointed for a three-year term by the board of commissioners. In 1852 his office was abolished and his duties were transferred to the auditor.²⁹

The auditor is the financial agent of the county; and the routine administration of county affairs centers in his office, through which all financial transactions are conducted.

Claims against the county (for consideration by the board of commissioners) are filed with the auditor and presented by him to the board of commissioners.³⁰ A claim for materials and supplies will not be allowed unless accompanied by a certificate of the auditor showing that the goods mentioned in the claim correspond in quality and prices with the contract.³¹ He publishes all such claims and allowances thereon and also all allowances against the county made by courts.³² On appeals from decisions of the board of commissioners, the auditor approves the appeal bond, prepares the transcript of proceedings, and transmits the bond, transcript, and all documents to the reviewing court.³³

The treasurer disburses money from the county treasury on warrants (formerly called orders) drawn by the auditor. The warrants are accompanied by a carbon copy except as to funds of state and townships. If funds are available to pay a warrant, the treasurer, on presentation to him, detaches

²⁸ Acts 1825, ch. 15.

²⁹ Acts 1817-18 (special), ch. 1, sec. 2; ch. 2, sec. 1. Rev. Laws 1824, ch. 93, secs. 1, 2, 4, 6, 8, 9. Acts 1841-42 (general), ch. 67, sec. 2. Rev. Stat. 1843, ch. 4, sec. 48. Acts 1851-52, ch. 2.

³⁰ Acts 1879 (Spec. Sess.); Burns 26-805.

³¹ Acts 1899; Burns 26-538; Baldwin 5403.

³² Acts 1875, ch. 18, sec. 1. Acts 1899; Burns 26-816; Baldwin 5268. Acts 1931; Burns 26-817 to 26-819; Baldwin 5269 to 5271. *Cheney v. State ex rel. Risk*, 165 Ind. 121, 74 N. E. 892.

³³ 1 Rev. Stat. 1852; Burns 26-902, 26-903; Baldwin 5278, 5279. *Scotten v. Divelybiss*, 46 Ind. 301; *Shirk v. Moore*, 96 Ind. 199; *Strebin v. Lavengood*, 163 Ind. 478, 71 N. E. 494; *Smith v. Gustin*, 169 Ind. 42, 81 N. E. 722.

and retains the carbon copy, and countersigns the original and stamps thereon the name of the depository by which it is payable.³⁴ If no funds are available to pay the warrant, the treasurer indorses thereon the date of the presentment and the words "not paid for want of funds"; and the warrant draws interest until the treasurer or auditor publishes a call for redemption.³⁵ The treasurer gives a receipt for all money paid to him, which receipt (except for taxes) must be deposited by the payer with the auditor, who gives a quietus for the same.³⁶ The treasurer quarterly deposits all redeemed warrants with the auditor, for permanent filing, and takes his receipt therefor.³⁷

When the auditor draws a warrant, he charges it against the appropriation and particular fund from which it was drawn. Apportionment is made if more than one fund or appropriation is involved.³⁸ The number, date, amount, name of payee, and purpose of the warrant are entered in a book.³⁹ The auditor examines and settles all accounts and demands chargeable against the county which no law requires to be settled and allowed by some other tribunal or person.⁴⁰ Before issuing a warrant or quietus, the auditor must examine the account to ascertain whether it is correct and in proper form; and for this purpose may require the furnishing of information, vouchers, and exhibits sufficient to satisfy himself.⁴¹ The action of mandamus lies to compel the auditor to draw a warrant on the county treasury.⁴²

On claims allowed by courts for cost of administration of justice,⁴³ and on claims (including claims on judgments)

³⁴ 1 Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1899, 1935; Burns, 1938 suppl., 26-522; Baldwin, 1935 suppl., 5386. Acts 1889; Burns 49-3007; Baldwin 5420. 1 Rev. Stat. 1852; Burns 49-3103, 49-3111; Baldwin 5550, 5558. Acts 1937; Burns, 1938 suppl., 61-627; Baldwin, 1937 suppl., 13844-48.

³⁵ Acts 1889; Burns 49-3007, 49-3008; Baldwin 5420, 5421. 1 Rev. Stat. 1852; Burns 49-3111; Baldwin 5558.

³⁶ Rev. Stat. 1843, ch. 7, sec. 77. 1 Rev. Stat. 1852; Burns 49-3010, 49-3104; Baldwin 5423, 5551.

³⁷ Rev. Stat. 1843, ch. 7, sec. 85. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

³⁸ Acts 1899; Burns 26-544; Baldwin 5409.

³⁹ 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

⁴⁰ Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

⁴¹ Acts 1909; Burns 60-215; Baldwin 13866.

⁴² Gill v. State ex rel. Board of County Comrs., 72 Ind. 266.

⁴³ Acts 1921, 1935; Burns, 1938 suppl., 4-3107; Baldwin, 1935 suppl., 1256. Acts 1881 (Spec. Sess.), 1903, 1913, 1927, 1933; Burns 4-3319, 4-3407; Baldwin 1277, 1286. Acts 1921, 1939; Burns, 1939

allowed by the board of commissioners, the auditor issues his warrant.⁴⁴ But a warrant may be issued to pay a judgment, or for management of the school fund, or insanity inquests, or salaries or other liabilities for specific amounts fixed by law, without there being a claim therefor allowed as aforesaid.⁴⁵ A warrant not called for within five years after the allowance of the claim on which it was drawn may be cancelled by the board of commissioners, if not called for after publication of notice.⁴⁶

The auditor is ex officio clerk of the board of commissioners,⁴⁷ the county council,⁴⁸ and the county board of tax adjustment,⁴⁹ and is ex officio secretary of the board of finance.⁵⁰ He is also a member and secretary of the county board of review,⁵¹ and a member of the county school fund board.⁵² From 1841 to 1890 he was a member of the boards performing duties like those of the present county board of review.⁵³ Formerly the auditor was a member of the election board under the local-option liquor laws,⁵⁴ and was clerk of

suppl., 4-3507; Baldwin, 1939 suppl., 1298-1. Acts 1893; Burns 4-3511; Baldwin 1300. Acts 1905; Burns 9-1312 to 9-1315; Baldwin 2233 to 2236. 1 Rev. Stat. 1852; Burns 9-2408; Baldwin 1306. Acts 1899; Burns 26-515, 26-527, 26-816; Baldwin 5379, 5391, 5268. Acts 1931; Burns 26-817, 26-818; Baldwin 5269, 5270. Acts 1895, 1905, 1915, 1919; Burns 49-1311; Baldwin 7570. Acts 1879 (Spec. Sess.); Burns 49-1432, 49-1434; Baldwin 13127, 13128. 2 Rev. Stat. 1852; Burns 49-2709, 49-2804; Baldwin 1436, 5496.
⁴⁴ Rev. Stat. 1843, ch. 7, secs. 76, 79. Acts 1897; Burns 26-809; Baldwin 5257. Acts 1911; Burns 26-813, 26-814; Baldwin 5264, 5265.

⁴⁵ Acts 1897; Burns 26-809; Baldwin 5257. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419. Blue v. State ex rel. Powell, 210 Ind. 486, 1 N. E. (2d) 122.

⁴⁶ Acts 1879 (Spec. Sess.); Burns 26-815; Baldwin 527 3.

⁴⁷ Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 7, secs. 5, 16, 17, 53. Acts 1855, ch. 37, sec. 1. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418.

⁴⁸ Acts 1899; Burns 26-509; Baldwin 5373.

⁴⁹ Acts 1932 (Spec. Sess.), ch. 10, sec. 4. Acts 1933, ch. 237, sec. 4. Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

⁵⁰ Acts 1937; Burns, 1938 suppl., 61-629; Baldwin, 1937 suppl., 13844-50.

⁵¹ Acts 1891, ch. 99, secs. 114, 116. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

⁵² Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

⁵³ Acts 1838-39 (general), ch. 14, secs. 14, 15. Acts 1840-41 (general), ch. 1, secs. 13, 18. 1 Rev. Stat. 1852, ch. 6, sec. 91; ch. 35, sec. 2. Acts 1877, ch. 89, sec. 1. Acts 1881 (Spec. Sess.), ch. 96, sec. 129.

⁵⁴ Acts 1908 (Spec. Sess.), ch. 2, sec. 5. Acts 1911, ch. 7, sec. 5. Kunkle v. Coleman, 174 Ind. 315, 92 N. E. 61.

the old-age pension board.⁵⁵ Before 1841 the clerk of the circuit court acted as clerk of the board of commissioners and board of justices⁵⁶ and was a member of the boards performing duties like those of the present county board of review.⁵⁷

The township trustees quadrennially meet in the office of the auditor for the purpose of electing a county superintendent of schools. After notice given by the auditor, the trustees meet there at any time to fill a vacancy in such office. The auditor is clerk of the election and keeps a record thereof. In case of a tie vote, the auditor casts the deciding vote. The person elected files his oath of office and official bond with the auditor, who approves the bond. The auditor reports the election to the state superintendent of public instruction.⁵⁸

If on account of death, sickness, or other casualty the judge of the circuit court fails for three consecutive days to attend court during term time, the auditor, sheriff, and clerk of the circuit court, acting together, may appoint a temporary judge to serve until the return of the regular judge or until his successor is named.⁵⁹

The auditor was authorized to fill vacancies in the former office of real estate appraiser.⁶⁰

When an election is held to change the boundaries of counties, the clerk of the circuit court of each of the affected counties makes out certified copies of the election returns and files them in the office of the auditor of each of such counties. The auditor and board of commissioners in each county then examine the returns, and if the proposed change of boundaries was carried at the election, the auditor enters an order to that effect in the minutes of the board of commissioners.⁶¹ The auditor makes a certificate of tax levies

⁵⁵ Acts 1933, ch. 36, secs. 2, 9, 12 (all repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁵⁶ Acts 1816-17, ch. 15, sec. 6. Rev. Laws 1824, ch. 15, sec. 5; ch. 16, sec. 6. Rev. Laws 1831, ch. 20, sec. 6.

⁵⁷ Acts 1817-18 (general), ch. 42, sec. 12. Rev. Laws 1824, ch. 86, sec. 7. Acts 1825, ch. 47, sec. 3. Rev. Laws 1831, ch. 81, secs. 5, 7, 8. Acts 1838-39 (general), ch. 14, secs. 14, 15.

⁵⁸ Acts 1873, ch. 25, sec. 2. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931. State ex rel. Nebecker v. Sutton, 99 Ind. 300; State ex rel. Laughlin v. Porter, 113 Ind. 79, 14 N. E. 883; State ex rel. Williams v. Edwards, 114 Ind. 581, 16 N. E. 627; State ex rel. Drummond v. Dillon, 125 Ind. 65, 25 N. E. 136; State ex rel. Morris v. McFarland, 149 Ind. 266, 49 N. E. 5.

⁵⁹ Acts 1881 (Spec. Sess.); Burns 4-3103; Baldwin 1261.

⁶⁰ Acts 1858 (Spec. Sess.), ch. 2, sec. 1.

⁶¹ Acts 1875; Burns 26-201; Baldwin 5032.

for the purpose of raising funds from the detached territory to pay the debts of the county from which it was detached.⁶²

Under former laws, the auditor delivered to the clerk of the circuit court the various papers involved in election contests heard by the board of commissioners, together with a transcript of the proceedings of the board;⁶³ he prepared blank forms of poll books and election returns, and delivered them to the inspectors of the election precincts;⁶⁴ after registration was required, he delivered the election supplies to the registration inspector of each precinct;⁶⁵ he kept the completed registration books and forms in his office, open to public inspection;⁶⁶ and he filed in his office petitions for elections under the local-option liquor laws.⁶⁷

Certified copies of the official oaths of all officers appointed by the board of commissioners, together with certified copies of oaths of such township officers (except justices and constables) as required by the board, are filed with the auditor.⁶⁸ When a bond is required of such officers, it also is filed with the auditor.⁶⁹ The board of commissioners meets in the office of the auditor, at any time without notice or precept, for the purpose of approving official bonds which are required to be approved by the board.⁷⁰ The official bond of the county assessor is approved by and filed with the auditor; and the assessor's official oath is administered by the auditor and endorsed on said bond.⁷¹ The official bonds of all township trustees are approved by the auditor.⁷²

The auditor and his deputies are authorized to administer all oaths necessary in the performance of their duties.⁷³

⁶² Acts 1875; Burns 26-204, 26-205; Baldwin 5035, 5036.

⁶³ Acts 1816-17, ch. 9, sec. 22. Rev. Laws 1831, ch. 33, secs. 8, 9. Rev. Stat. 1843, ch. 5, sec. 103.

⁶⁴ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

⁶⁵ Acts 1911, ch. 150, sec. 5 (repealed by Acts 1913, ch. 185, sec. 25).

⁶⁶ Acts 1911, ch. 150, sec. 13 (repealed by Acts 1913, ch. 185, sec. 25).

⁶⁷ Acts 1908 (Spec. Sess.), ch. 2, sec. 1. Acts 1911, ch. 7, sec. 5.

⁶⁸ Rev. Stat. 1843, ch. 4, sec. 84. 1 Rev. Stat. 1852; Burns 49-104; Baldwin 13057.

⁶⁹ Rev. Stat. 1843, ch. 4, secs. 88, 89.

⁷⁰ Acts 1851-52; Burns 49-123; Baldwin 13093.

⁷¹ Acts 1919, 1921; Burns 64-1101; Baldwin 15696.

⁷² Acts 1859, 1889; Burns 65-102; Baldwin 16060. Acts 1915; Burns 65-103; Baldwin 16061

Copeland v. State ex rel. Davis, 126 Ind. 51, 25 N. E. 866.

⁷³ 1 Rev. Stat. 1852; Burns 49-3013; Baldwin 5427.

Formerly petitions to have the surveyor removed from office were filed with the auditor for presentment to the board of commissioners.⁷⁴

Once every six years the township trustees and their assistants enumerate all white male inhabitants of the state over 21 years.⁷⁵ Books and blanks, together with copies of the law requiring such enumeration, are furnished to the township trustees by the auditor.⁷⁶ The trustees' returns are filed in the office of the auditor.⁷⁷ The auditor examines the returns and, by orders recorded in a separate book, corrects any errors, mistakes, or omissions discovered. For this purpose, he may subpoena and question witnesses.⁷⁸ The auditor then certifies the corrected enumerations to the auditor of state.⁷⁹ In the same manner, and at the same time, there is an enumeration of all colored male inhabitants of the state over 21 years old. Separate lists are made. One list is designated "white male inhabitants" and the other is designated "colored male inhabitants."⁸⁰

In townships having a population not exceeding 5,000 (all townships except Brazil), the office of township assessor has been abolished, and the duties of such office are performed by the township trustee. Reference herein to the township assessor includes the township trustee when performing the duties of township assessor.⁸¹

Each township assessor annually prepares lists of all persons in his township who are deaf, dumb, blind, idiotic, or insane, and returns the list to the auditor, who reports it to the state department of public welfare.⁸²

⁷⁴ Rev. Stat. 1843, ch. 10, sec. 4.

⁷⁵ Acts 1853, ch. 41, secs. 1, 2. Acts 1865 (Spec. Sess.); Burns 65-601 to 65-605; Baldwin 7490 to 7494.

⁷⁶ Acts 1844-45 (general), ch. 29, sec. 2. Acts 1853, ch. 41, sec. 2. Acts 1865 (Spec. Sess.); Burns 65-614; Baldwin 7503.

⁷⁷ Acts 1844-45 (general), ch. 29, sec. 3. Acts 1865 (Spec. Sess.); Burns 65-603; Baldwin 7492.

⁷⁸ Acts 1865 (Spec. Sess.); Burns 65-610; Baldwin 7499.

⁷⁹ Acts 1844-45 (general), ch. 27, sec. 5. Acts 1853, ch. 41, sec. 3. Acts 1865 (Spec. Sess.); Burns 65-611; Baldwin 7500.

⁸⁰ Acts 1877; Burns 65-619, 65-620; Baldwin 7509, 7510.

⁸¹ Acts 1933; Burns 64-1031; Baldwin 15664.

⁸² Acts 1849-50 (general), ch. 17, sec. 4. Acts 1859, ch. 7, secs. 1, 2. Acts 1891, ch. 99, sec. 54. Acts 1919; Burns 64-607; Baldwin 15575. The foregoing laws require the report to be made to the state board of charities. In 1936 the duties of that board were transferred to the state department of public welfare. Acts 1936 (Spec. Sess.), ch. 3, sec. 11.

Formerly the township assessors were required to enumerate the families of soldiers, seamen, and marines in active service, or who died or were disabled in active service, and deliver the lists to the auditor.⁸³

Formerly township trustees made enumerations of children between the ages of 5 and 21 years and delivered them to the auditor, who delivered them to the state superintendent of public instruction.⁸⁴

The auditor keeps an account with each township showing expenditures and tax levies for poor relief, keeps reports of public welfare officials, and keeps records of county welfare funds.⁸⁵

Formerly as clerk of the old-age pension board, the auditor issued certificates to applicants approved by the board, and delivered duplicates thereof to the auditor of state.⁸⁶

Articles of incorporation of humane societies are filed with the auditor and form the basis for the distribution of the humane fund on warrants drawn by him.⁸⁷

Scalps of woodchucks, heads of owls, hawks, and crows, and eggs of crows are presented to the auditor with the statutory affidavits for the purpose of obtaining bounties thereon.⁸⁸

The auditor compiles budget estimates made by the county officers and board; keeps them on file for one month, subject to inspection by any taxpayer; and submits them with his recommendation to the county council at its annual meeting.⁸⁹

The clerk of the circuit court, treasurer, sheriff, and recorder must make reports of fees to the auditor quarterly and at the expiration of their terms of office. The treas-

⁸³ Acts 1865, ch. 40, secs. 2, 3, 5. Acts 1923, ch. 4, sec. 1.

⁸⁴ Rev. Stat. 1843, ch. 15, sec. 25. Acts 1846-47 (general), ch. 94, sec. 2. Acts 1855, ch. 85, sec. 26.

⁸⁵ Acts 1895, ch. 120, sec. 2. Acts 1897, ch. 151, sec. 1 (repealed by Acts 1901, ch. 147 sec. 39). Acts 1901, ch. 147, secs. 11, 12, 19, 20 (all repealed by Acts 1935, ch. 116, sec. 38). Act 1907, ch. 161, sec. 1 (repealed by Acts 1935, ch. 116, sec. 38). Acts 1935; Burns, 1938 suppl., 52-158; Baldwin, 1935 suppl., 13320-15. Acts 1936 (Spec. Sess.); Burns, 1938 suppl., 52-1402; Baldwin, 1937 suppl., 14078-114.

⁸⁶ Acts 1933, ch. 36, sec. 12 repealed by Acts 1936 (Spec. Sess.), ch. 3, sec. 129).

⁸⁷ Acts 1913; Burns 9-2504, 9-2505; Baldwin 3805, 3806.

⁸⁸ Acts 1883; Burns 26-1102; Baldwin 5289. Acts 1911; Burns 26-1103; Baldwin 3802.

⁸⁹ Acts 1899; Burns 26-516 to 26-520; Baldwin 5380 to 5384. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331, 64-1339; Baldwin, 1935 suppl., 15735, 15737-1.

urer also makes a monthly report of fees to the auditor.⁹⁰ The clerk of the circuit court annually delivers to the auditor a list of all fines and jury fees collected during the preceding year, and also a list of all fees in his hands which have remained unclaimed for two years, and the auditor enters such lists on the order book of the board of commissioners and issues a quietus for the items of such lists which have been paid over to the treasurer.⁹¹

The auditor furnishes all parties with books, stationery, and blanks required in doing the public business pertaining to the auditor's office.⁹²

Specifications, bids, and contracts for materials and supplies required for county officials for the ensuing year are placed on file and kept in the auditor's office where they are open to public inspection.⁹³

When the county borrows money, the bonds or notes are executed by the county commissioners and are attested, advertised, and sold by the auditor. Printed copies of the ordinance authorizing the bond issue, together with specifications describing the bonds are kept on file in the auditor's office, open to public inspection.⁹⁴ If the amount of a bond issue exceeds \$5,000, and if ten taxpayers file objections with the auditor, the objections will be certified by the auditor to the state board of tax commissioners for hearing and disposition.⁹⁵ Contracts for extension of time for payment of county or township bonds by issuance of "redemption bonds" are executed by the board of commissioners and attested by the auditor, and one executed copy is kept by the auditor; and the auditor keeps a record of redemption bonds issued in pursuance of such contract.⁹⁶

The auditor, as relator, may sue, in the name of the state, to recover money owing to the county;⁹⁷ and the au-

⁹⁰ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437. Acts 1919; Burns 64-2101; Baldwin 15802.

⁹¹ Acts 1841-42 (general), ch. 45, secs. 3, 4. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

⁹² Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434.

⁹³ Acts 1899, 1903, 1933; Burns 26-536; Baldwin 5401.

⁹⁴ Acts 1899, 1921; Burns 26-540; Baldwin 5405.

⁹⁵ Acts 1899, 1921; Burns 26-540; Baldwin 5405. Acts 1919, 1920 (Spec. Sess.), 1921, 1923; Burns 64-1332; Baldwin 15736.

⁹⁶ Acts 1933; Burns 26-1015 to 26-1017; Baldwin 5353 to 5355.

⁹⁷ 1 Rev. Stat. 1852; Burns 49-3017; Baldwin 5431. Rogers v. Gibson, 15 Ind. 218; Scotten

ditor may compromise the suits brought by him and receive the money agreed to be paid.⁹⁸

The auditor of state prepares maps or plats of the lands belonging to the state and located in the county, known as the swamp and indemnity lands, saline lands, and the lands escheated or forfeited to the state, and delivers them to the county auditor, who causes an appraisal thereof, registers the lands in a book kept for that purpose, and records the sales of such lands.⁹⁹

The auditor prepares the ditch duplicate showing special assessments against lands for construction or repair of ditches and drains.¹⁰⁰ He places on the tax duplicate assessments for flood gates,¹⁰¹ and for the cutting or eradicating of Canada thistles.¹⁰² Formerly petitions for drainage and levee improvements were filed with the auditor, and he gave notice to viewers and kept a record of all proceedings concerning such improvements.¹⁰³

The board doing county business (board of commissioners or board of justices) has always had power to establish, construct, repair, and vacate county roads.¹⁰⁴ The auditor,

v. State ex rel. Simonton, 51 Ind. 52; Yater v. State ex rel. 58 Ind. 299; Hostetler v. State ex rel. Dean, 62 Ind. 183; Vanarsdall v. State ex rel. Watson, 65 Ind. 176; Gauntt v. State ex rel. Stout, 81 Ind. 137; Heagy v. State ex rel. Forkner, 85 Ind. 260; Demarest v. Holdeman, 157 Ind. 467, 62 N. E. 17.

⁹⁸ Cabel v. McCafferty, 53 Ind. 75; Vigo Twp. v. Board of County Comrs., 111 Ind. 170, 12 N. E. 305.

⁹⁹ 1 Rev. Stat. 1852, ch. 104, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-206 to 62-209; Baldwin 15272 to 15275.

¹⁰⁰ Acts 1881 (Spec. Sess.), ch. 43, sec. 5 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1933; Burns 27-134; Baldwin 5770. Storms v. Stevens, 104 Ind. 46, 3 N. E. 401; Lockwood v. Ferguson, 105 Ind. 398, 5 N. E. 3; Board of County Comrs. v. Fahlor, 114 Ind. 176, 15 N. E. 830.

¹⁰¹ Acts 1903; Burns 27-703; Baldwin 5841.

¹⁰² Acts 1929, 1937; Burns, 1938 suppl., 15-904; Baldwin, 1937 suppl., 3719.

¹⁰³ Acts 1881 (Spec. Sess.), ch. 44, sec. 2 (repealed by Acts 1885 (Spec. Sess.), ch. 40, sec. 13). Acts 1891, ch. 196, secs. 2, 24. Acts 1897, ch. 138, secs. 1, 4. Simonton v. Hays, 88 Ind. 70; Vizzard v. Taylor, 97 Ind. 90; White v. Fleming, 114 Ind. 560, 16 N. E. 487; Cooper v. Ray, 148 Ind. 328, 47 N. E. 668.

¹⁰⁴ Acts 1816-17, ch. 8, secs. 1, 4-8, 10, 11, 15, 22. Acts 1817-18 (general), ch. 43, secs. 1, 23. Acts 1818-19, ch. 11, secs. 2, 7, 11, 12. Acts 1819-20, ch. 55, secs. 31, 33. Rev. Laws 1824, ch. 87, secs. 1, 4-7, 9, 12, 15, 24, 25. Rev. Laws 1831, ch. 20, sec. 22; ch. 82, secs. 1, 4, 6, 12, 14, 28, 47. 1 Rev. Stat. 1852, ch. 48. Acts 1881 (Spec. Sess.), chs. 61-64. Acts 1905, 1907; Burns 36-201 *et seq.*; Baldwin 8756 *et seq.* Acts 1919; Burns 36-301 *et seq.*; Baldwin 8859 *et seq.* Acts 1907; Burns 36-401 *et seq.*; Baldwin 8992 *et seq.* Acts 1919; Burns 36-501 *et seq.*; Baldwin 8879 *et seq.* Acts 1933 Burns 36-1101 *et seq.*; Baldwin 8699 *et seq.*

being clerk of said board, has always kept a record of road proceedings.¹⁰⁵ Road petitions are filed with the auditor for presentment to the board of commissioners.¹⁰⁶ When road viewers are appointed by the board, the auditor notifies the viewers and the county surveyor of their appointment and the time and place for their meeting.¹⁰⁷ Reports of road viewers are filed with the auditor, and the auditor enters road assessments on the tax duplicate or special assessment roll.¹⁰⁸ The highway supervisor files with the auditor requisitions (on forms prescribed by the state board of accounts) for all tools, implements, supplies, materials, and equipment needed for county roads.¹⁰⁹ Formerly the auditor annually delivered to the road supervisor a list of landowners of the county,¹¹⁰ and annually delivered to each township trustee a list of all road taxes assessed against each individual in the township.¹¹¹

Petitions for condemnation of school houses, as unfit for use for school purposes, are filed with the auditor. The auditor mails and publishes notices of hearings, and calls special joint sessions of the board of commissioners and county council to hold hearings on such petitions.¹¹²

Formerly ever fire insurance company doing business in Indiana, not organized under Indiana laws, was required to make semiannual reports to the county auditor showing premiums received by the company for fire insurance on property in the county, and showing all losses paid by the company for the last semiannual period.¹¹³ Formerly financial statements of banks were filed with the auditor.¹¹⁴

The auditor certifies to the city officials the number of

¹⁰⁵ Acts 1921; Burns 36-1451; Baldwin 8954. Acts 1905; Burns 36-1222; Baldwin 8823.

¹⁰⁶ Acts 1919, 1921; Burns 36-304; Baldwin 8862.

¹⁰⁷ Acts 1895, ch. 11, sec. 1. Acts 1905, 1907; Burns 36-1301; Baldwin 8787. *Turpin v. Eagle Creek & L. W. L. G. R. Co.*, 48 Ind. 45.

¹⁰⁸ Acts 1869 (Spec. Sess.), ch. 35, sec. 3 (repealed by Acts 1929, ch. 215, sec. 73). Acts 1877, ch. 46, sec. 3. Acts 1905, 1907; Burns 36-1301, 36-1305; Baldwin 8787, 8791. Acts 1921; Burns 36-1412; Baldwin 8915. *Florer v. McAfee*, 135 Ind. 540, 35 N. E. 277; *Smyth v. State ex rel Braum*, 158 Ind. 332, 62 N. E. 449.

¹⁰⁹ Acts 1935; Burns, 1938 suppl., 36-1114; Baldwin, 1935 suppl., 8703-1.

¹¹⁰ Rev. Stat. 1843, ch. 16, sec. 105.

¹¹¹ Acts 1883, ch. 56, sec. 20.

¹¹² Acts 1931; Burns 28-3002 to 28-3004; Baldwin 6144 to 6146.

¹¹³ Acts 1891, ch. 192, sec. 1. On June 16, 1893, this act was held unconstitutional. *Henderson v. London & Lancashire Ins. Co.*, 135 Ind. 23, 34 N. E. 565.

¹¹⁴ Acts 1905, ch. 56, sec. 2 (repealed by Acts 1907, ch. 281, sec. 6).

taxable polls therein,¹¹⁵ and certifies to the treasurer the amount of excise tax due from financial institutions.¹¹⁶ For excise tax purposes, financial institutions deliver to the auditor each month a statement showing the number of their shares, amount of deposits, and kindred data.¹¹⁷ Inheritance taxes collected by the county treasurer are transmitted to the state treasurer by warrants drawn by the auditor.¹¹⁸ The auditor is authorized to examine the records of the recorder and clerk of the circuit court to ascertain whether all persons have paid intangible taxes; and for this purpose may interrogate any person under oath and examine private records of such person.¹¹⁹

The excise tax on dogs and dog kennels is administered by the township assessors and the county auditor. After making assessment of personal property for property taxes, each township assessor makes inquiry concerning dogs and kennels, and collects the excise tax thereon for the ensuing year, and issues licenses and receipts. The auditor collects the tax and issues licenses and receipts if the township assessor fails to do so.¹²⁰ The money so collected constitutes a fund known as the "dog fund", and is used to pay for damage to livestock caused by dogs. Dog funds exceeding \$100, over and above all warrants drawn on the same, in any township on the first Monday in March are transferred by the auditor on the following Monday to townships in which the dog fund is less than the warrants drawn thereon.¹²¹

The auditor issues licenses for peddlers, shows, theaters,¹²² and transient merchants,¹²³ and permits for public

¹¹⁵ Acts 1905, 1911; Burns 48-6708; Baldwin 11516.

¹¹⁶ Acts 1933; Burns 64-810; Baldwin 15591.

¹¹⁷ Acts 1933, 1935; Burns, 1938 suppl., 64-807; Baldwin 15588.

¹¹⁸ Acts 1931; Burns 6-2414; Baldwin 15952.

¹¹⁹ Acts 1933; Burns 64-917; Baldwin 15915.

¹²⁰ Acts 1897, ch. 119. Acts 1925, ch. 144 (repealed by Acts 1927, ch. 176, sec. 4). Acts 1927, ch. 176 (repealed by Acts 1937, ch. 133, sec. 16). Acts 1923; Burns 16-301, 16-302; Baldwin 3826, 3827. Acts 1937; Burns, 1938 suppl., 16-317; Baldwin, 1937 suppl., 3811-1.

¹²¹ Acts 1925, ch. 144, secs. 11-13 (all repealed by Acts 1927, ch. 176, sec. 14). Acts 1927, ch. 179, secs. 8-12 (all repealed by Acts 1937, ch. 133, sec. 16). Acts 1937; Burns, 1938 suppl., 16-324 to 16-326; Baldwin, 1937 suppl., 3811-8 to 3811-10.

¹²² 1 Rev. Stat. 1852; Burns 42-204; Baldwin 10447. Acts 1917, 1937; Burns 1938 suppl., 42-201; Baldwin, 1937 suppl., 10443. Acts 1901; Burns 42-502, 42-503; Baldwin 10470, 10471. Acts 1895; Burns 42-510; Baldwin 10478.

¹²³ Acts 1901; Burns 42-402; Baldwin 10491. The auditor keeps a record of such licenses in a book provided for that purpose, and it is open for public inspection. *Ibid.*

warehouses.¹²⁴ Formerly he issued liquor licenses,¹²⁵ and received and filed remonstrances against issuance of saloon licenses by the board of commissioners.¹²⁶

The auditor takes a very important part in the administration of the property-tax laws. Annually the township assessors file with the auditor all returns of real and personal property made by them, together with all assessment lists, schedules, statements, maps, and other books and papers used by them in making such returns; and the county assessor obtains the same from the auditor to perform the county assessor's duties, but returns them to the auditor for permanent filing.¹²⁷ If a taxpayer refuses to make a personal-property tax return or an oath required by law, the township assessor makes a note of such refusal, and the auditor adds 50 percent to the personal-property valuation returned by the assessor.¹²⁸ If a landowner fails to furnish a list of lands within five days after being called on by a township assessor, as notified to do, the township assessor may make a list according to the best information he can obtain, and the auditor must add 25 percent to the valuation of such lands as returned by the assessor.¹²⁹ The auditor assesses omitted property, after giving notice to the taxpayer.¹³⁰ For the purpose of the listing

¹²⁴ Acts 1875, 1879 (Spec. Sess.); Burns 67-201; Baldwin 16206.

¹²⁵ Acts 1853, ch. 66, sec. 3 (repealed by Acts 1855, ch. 106, secs. 1, 2). Acts 1855, ch. 105, sec. 4 (repealed by Acts 1858 (Spec. Sess.), ch. 15). Acts 1873, ch. 59, sec. 2. *Padgett v. State*, 93 Ind. 396.

¹²⁶ Acts 1905, ch. 6, sec. 1.

¹²⁷ Rev. Stat. 1843, ch. 12, secs. 28, 41. Acts 1850-51 (general), ch. 5, secs. 12, 19; ch. 9, secs. 5, 8. Acts 1858 (Spec. Sess.), ch. 2, sec. 20. Acts 1891, ch. 99, secs. 101, 105. Acts 1919; Burns 64-1019, 64-1023, 64-1029, 64-1102; Baldwin 15685, 15689, 15694, 15698. Interview of May 18, 1939 with E. P. Brennan, state examiner.

¹²⁸ Acts 1919; Burns 64-610; Baldwin 15578.

¹²⁹ Acts 1919; Burns 64-1008; Baldwin 15674.

¹³⁰ Acts 1840-41 (general), ch. 1, sec. 9. Acts 1889, ch. 183, sec. 1. Acts 1919; Burns 64-1402; Baldwin 15739. *Scott v. Knightstown*, 84 Ind. 108; *Long v. Clapp*, 103 Ind. 17, 2 N. E. 197; *Vandercook v. Williams*, 106 Ind. 345, 1 N. E. 619; *Williams v. Segur*, 106 Ind. 368, 1 N. E. 707; *McKeen v. Haskell*, 108 Ind. 97, 8 N. E. 901; *Board of County Comrs. v. Senn*, 117 Ind. 410, 20 N. E. 276; *Florer v. Sherwood*, 128 Ind. 495, 28 N. E. 71; *Henner v. Board of County Comrs.*, 132 Ind. 32, 31 N. E. 462; *Florer v. Sheridan*, 137 Ind. 28, 36 N. E. 365; *Cummings v. Stark*, 138 Ind. 94, 34 N. E. 444; *Thieband v. Tait*, 138 Ind. 238, 36 N. E. 525; *Eaton v. Union County Nat. Bank*, 141 Ind. 136, 40 N. E. 668; *Buck v. Miller*, 147 Ind. 586, 45 N. E. 647; *Miller v. Vollmer*, 153 Ind. 26, 53 N. E. 949; *Crowder v. Riggs*, 153 Ind. 158, 53 N. E. 1019; *Parkison v. Thompson*, 164 Ind. 609, 73 N. E. 109; *Darnell v. State*, 174 Ind. 143, 90 N. E. 769.

and assessment of omitted property, the auditor may, on filing proper affidavit in the circuit court and obtaining a writ directed to the sheriff, inspect the books and papers of taxpayers.¹³¹ Acting for the county board of review, he gives notice to taxpayers in order that the board may assess omitted property or raise valuations.¹³² Appeals from the county board of review to the state board of tax commissioners are usually heard in the office of the auditor.¹³³ Formerly the auditor annually notified all township assessors to meet in the auditor's office to agree on a uniform rate of assessment.¹³⁴ Formerly railroad companies annually filed with the auditor, for taxation purposes, complete inventories of assets.¹³⁵

The auditor annually makes out and delivers to the township assessors lists of lands entered on the tax duplicates of the previous year, with notations thereon showing all transfers made subsequent to the duplicate and all new entries of land not previously entered for taxation.¹³⁶ The auditor makes plats of the several townships showing ownership, improvements, and assessed valuation of the parcels therein. The township assessors write on such plats the ownership and value of each plot of ground and the improvements thereon, and the plat is kept up with all current transactions and transfers.¹³⁷ The auditor keeps a record of all lands classified by the state forester as "forest plantations" or "native forest lands" to obtain special rules or rates for tax assessments.¹³⁸

For taxation purposes, the auditor keeps a transfer book, arranged by townships, cities, and towns, showing description of all lands conveyed by deed or partition, names of parties, and post-office addresses of grantees. A fee of 10 cents is charged for each instrument so entered. No such deed or partition can be recorded by the recorder until after the instru-

¹³¹ Acts 1891, ch. 99, sec. 34. Acts 1919; Burns 64-1026; Baldwin 15549.

¹³² Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700.

¹³³ Acts 1919, 1935; Burns, 1938 suppl., 64-1321; Baldwin, 1935 suppl., 15725. State Board of tax commissioners, tax rule 6.

¹³⁴ Acts 1889, ch. 108, sec. 1 (repealed by Acts 1891, ch. 99, sec. 259).

¹³⁵ Acts 1891, ch. 99, sec. 83.

¹³⁶ Acts 1840-41 (general), ch. 1, sec. 4; ch. 2, sec. 12. Acts 1841-42, ch. 60, sec. 4. Rev. Stat. 1843, ch. 12, sec. 27. Acts 1858 (Spec. Sess.), ch. 2, sec. 5. Acts 1891, ch. 99, sec. 93. Acts 1919, 1937; Burns, 1938 suppl., 64-1007; Baldwin, 1937 suppl., 15672.

¹³⁷ *Ibid.*

¹³⁸ Acts 1899, ch. 256, sec. 9. Acts 1921; Burns 32-304, 32-306; Baldwin 15517-4, 15517-6.

ment has been presented to the auditor and he has made an endorsement thereon that the land has been duly entered for taxation or is not taxable.¹³⁹ On the death of a landowner, the heir or devisee may have the auditor make an entry on the tax duplicate to show the change of ownership.¹⁴⁰ The auditor corrects on the tax books any errors as to description of property and names of owners.¹⁴¹

Forms and instructions for taxation purposes are prescribed by the state board of tax commissioners and delivered to the auditor.¹⁴² The auditor furnishes the township assessors with all necessary books and blanks for the use of the township assessors in making assessment of real and personal property.¹⁴³ If a township assessor assesses real estate or improvements found omitted, he makes a return thereof to the auditor as of the year when the same should have been first assessed.¹⁴⁴ The auditor makes assessment of any newly platted land additions to any city or town.¹⁴⁵

The auditor makes certificates as to the required number of signers of petitions filed by groups of taxpayers with the state board of tax commissioners to obtain a re-assessment of real estate.¹⁴⁶

Sworn statements to obtain mortgage exemptions on assessment of real estate are filed with the auditor.¹⁴⁷ Sworn statements of volunteer firemen¹⁴⁸ and disabled veterans¹⁴⁹

¹³⁹ Acts 1881 (Spec. Sess.), ch. 96, sec. 154. 1 Rev. Stat. 1852; Burns 49-3214; Baldwin 5478. Acts 1919; Burns 64-1409; Baldwin 15746.

¹⁴⁰ Acts 1921; Burns 64-519; Baldwin 14777.

¹⁴¹ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

¹⁴² Acts 1919; Burns 64-2803; Baldwin 15866.

¹⁴³ Acts 1858 (Spec. Sess.), ch. 2, sec. 23. Acts 1891, ch. 99, secs. 53, 101. Acts 1903, ch. 29, sec. 52. Acts 1899; Burns 26-543; Baldwin 5408. Acts 1895; Burns 49-1401; Baldwin 7576. Acts 1879 (Spec. Sess.); Burns 49-3018; Baldwin 5434. Acts 1919; Burns 64-1007, 64-1016; Baldwin 15672, 15682.

¹⁴⁴ Acts 1840-41 (general), ch. 2, sec. 12. Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019; Baldwin, 1937 suppl., 15685. Acts 1919; Burns 64-1025; Baldwin 15692.

¹⁴⁵ Acts 1919; Burns 64-1027; Baldwin 15691.

¹⁴⁶ Acts 1919, 1925, 1927, 1935, 1937; Burns, 1938 suppl., 64-1019(a); Baldwin, 1937 suppl., 15685(a).

¹⁴⁷ Acts 1919, 1939; Burns, 1939 suppl., 64-209 to 64-211; Baldwin, 1939 suppl., 15565 to 15567.

¹⁴⁸ Acts 1933, 1935; Burns, 1938 suppl., 48-6134; Baldwin, 1935 suppl., 8227.

¹⁴⁹ Acts 1927; Burns 64-206; Baldwin 10987.

are also filed with the auditor to obtain tax exemptions. Applications for tax exemptions for educational, charitable, religious, fraternal, literary, and scientific organizations are filed with the auditor, who refers them to the board of review for approval.¹⁵⁰

Annually the auditor apportions the final assessment of real and personal property among the several taxing units of the county and certifies the same to the county, townships, cities, and towns for the purpose of making tax levies based thereon.¹⁵¹ After the county council, at its annual meeting, adopts a budget, establishes a tax rate, and makes tax levies for the succeeding calendar year, the auditor schedules the rates for the several municipal corporations in the county, verifies the figures and calculations, and reports the levies to the state board of tax commissioners.¹⁵² The decision of the state board of tax commissioners on an appeal from the county council's action in adopting budgets and tax levies is certified to the auditor and the auditor certifies it to the taxing units interested therein.¹⁵³

Annually each municipal corporation of the county files with the auditor a statement of tax levies and rates for the ensuing year, fixed by such municipal corporations, and copies of the budgets on which such levies are based.¹⁵⁴ At the annual meeting of the board of tax adjustment, the auditor lays before the board said budgets, tax levies, and rates.¹⁵⁵ If the board of tax adjustment does not complete its duties before October 2, or fails to reduce the aggregate amount of the tax levies and rates within the statutory limits, the auditor calculates and fixes the rates and certifies his action to each municipal corporation.¹⁵⁶ The decision of the state board of tax commissioners on an appeal from the action of the board of tax adjustment is certified to the auditor.¹⁵⁷

¹⁵⁰ Acts 1937; Burns, 1938 suppl., 64-213; Baldwin, 1937 suppl., 15518-2.

¹⁵¹ Acts 1919, 1920 (Spec. Sess.); Burns 64-1329; Baldwin 15733.

¹⁵² Acts 1889; Burns 25-516 to 26-520; Baldwin 5380 to 5384. Acts 1920 (Spec. Sess.), Burns 64-1329; Baldwin 15733. Acts 1919; Burns 64-1330; Baldwin 15734. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵³ Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵⁴ Acts 1933; Burns 64-302; Baldwin 15893. Acts 1937; Burns, 1938 suppl., 64-311; Baldwin, 1937 suppl., 15897-5.

¹⁵⁵ Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁵⁶ Acts 1937; Burns, 1938 suppl., 64-314; Baldwin, 1937 suppl., 15897-8.

¹⁵⁷ *Ibid.*

The auditor certifies to the state board of tax commissioners all emergency appropriations made by the county council, together with tax levies based thereon.¹⁵⁸

After the assessment, budgets, tax rates, and tax levies have been made, the auditor makes out and delivers to the treasurer a roll of taxes known and designated as the tax duplicate, and a complete tax abstract of all property listed in each township, city, and town. He keeps a copy of the abstract in his office, and delivers another copy thereof to the auditor of state.¹⁵⁹ Semiannually the county auditor delivers to the county treasurer and to the treasurer of each city, town, and township in the county, a complete list of all persons reported as delinquent in the payment of taxes, as shown by the tax duplicate.¹⁶⁰ Formerly a separate list of delinquent taxes was delivered by the county auditor to the auditor of state, but now, and for many years last past, the only lists so delivered are those that are set forth in the tax abstract.¹⁶¹

The auditor annually makes out and records in a book, provided for that purpose, a list of lands delinquent for taxes, charges interest and a penalty of 10 percent thereto, publishes and posts the list with a notice of tax sale, includes a copy of the notice in his record, and certifies on his record the time and manner of such publication and posting.¹⁶² The auditor, in person or by deputy, attends the treasurer's tax sales of delinquent lands, keeps a record of the sales, and issues certificates to the purchasers.¹⁶³ The auditor acts as arbi-

¹⁵⁸ Acts 1899, 1907, 1913, 1937; Burns, 1938 suppl., 26-521; Baldwin, 1937 suppl., 5385. Acts 1919, 1920 (Spec. Sess.), 1921, 1927, 1935; Burns, 1938 suppl., 64-1331; Baldwin, 1935 suppl., 15735.

¹⁵⁹ Acts 1840-41 (general), ch. 1, secs. 12, 14; ch. 2, secs. 17, 22. Rev. Stat. 1843, ch. 12, secs. 44, 50, 51, 133. Acts 1919; Burns 64-1403, 64-1408; Baldwin 15740, 15745. Standard Oil Co. v. Bretz, 98 Ind. 231; Adams v. Davis, 109 Ind. 10, 9 N. E. 162; Smith v. Smith, 159 Ind. 388, 65 N. E. 183.

¹⁶⁰ Rev. Stat. 1843, ch. 12, sec. 68. Acts 1911, ch. 234, sec. 1. Acts 1919; Burns 64-1505; Baldwin 15767.

¹⁶¹ Rev. Stat. 1843, ch. 12, sec. 68. Interview with Lawrence F. Sullivan, auditor of state, on June 29, 1939.

¹⁶² Acts 1840-41 (general), ch. 2, secs. 26, 28-30. Acts 1879 (Spec. Sess.), ch. 96, sec. 3. Acts 1883, ch. 76, sec. 1. Acts 1919; Burns 64-2201; Baldwin 15806. Acts 1919, 1931, 1937; Burns, 1938 suppl., 64-2202; Baldwin, 1937 suppl., 15807. Abbott v. Edgerton, 53 Ind. 196; Stropes v. Board of County Comrs., 72 Ind. 42.

¹⁶³ Acts 1840-41 (general), ch. 2, secs. 33, 34. Rev. Stat. 1843, ch. 12, secs. 77, 122, 123. 1 Rev. Stat. 1852, sec. 177. Acts 1919; Burns 64-2209, 64-2210; Baldwin 15816, 15817. Gable v. Seiben, 137 Ind. 155, 36 N. E. 844.

ter in case of partial redemption of land from tax sale.¹⁶⁴ When lands are redeemed from tax sale, he issues a certificate of redemption and keeps a record of all redemptions.¹⁶⁵ The auditor executes all tax deeds of land, and keeps a record thereof.¹⁶⁶ He issues a warrant for a refund to persons paying illegal or erroneous taxes and also to purchasers at void tax sales.¹⁶⁷ Annually a list of lands offered at tax sale three years successively, on which there was no bid equal to the amount of taxes due thereon, is prepared by the treasurer, certified by the auditor, and delivered to the prosecuting attorney.¹⁶⁸

The state's share of taxes collected by the county treasurer is disbursed to the proper state officers on warrants drawn by the auditor on the county treasury.¹⁶⁹

The auditor manages the common school and congressional township school funds,¹⁷⁰ with the exception of making loans. The school fund board, composed of the auditor, clerk of the circuit court, and another person appointed by the judge of the circuit court, now makes all the loans from the school funds.¹⁷¹ Whenever a school township is divided by a county line, the auditor makes all adjustments of land, accounts, and distribution of pupils.¹⁷² If no election is held for the purpose, the auditor conducts the sale of school lands,¹⁷³ also resales of forfeited lands.¹⁷⁴ He makes the same entries of record

¹⁶⁴ Acts 1909; Burns 64-2308; Baldwin 15826.

¹⁶⁵ Rev. Stat. 1843, ch. 12, secs. 97, 122, 123. Acts 1919; Burns 64-2313; Baldwin 15831

¹⁶⁶ Acts 1840-41 (general), ch. 2, secs. 37, 44. Acts 1919; Burns 64-2404 to 64-2409; Baldwin 15833 to 15838. Reid v. State ex rel. Thompson, 74 Ind. 252; Smith v. Kyler, 74 Ind. 575; Woolen v. Rockefeller, 81 Ind. 208; Lancaster v. Du Hadway, 97 Ind. 565; Rowe v. Peabody, 102 Ind. 198, 1 N. E. 358.

¹⁶⁷ Acts 1919; Burns 64-1407, 64-2411, 64-2819; Baldwin 15744, 15840, 15881. Wolfe v. State ex rel. Kennard, 90 Ind. 16.

¹⁶⁸ Acts 1881 (Spec. Sess.), ch. 96, sec. 222. Acts 1932 (Spec. Sess.); Burns 64-1513; Baldwin 15756.

¹⁶⁹ Acts 1877, ch. 90, sec. 1. Acts 1907, 1911; Burns 61-620; Baldwin 13824 (repealed by Acts 1935, ch. 70, sec. 42). Acts 1937; Burns, 1938 suppl., 61-626; Baldwin, 1937 suppl., 13844-47.

¹⁷⁰ Acts 1855, ch. 86, sec. 155. Acts 1861, ch. 41, secs. 122, 160. Acts 1865, 1907; Burns 28-101, 28-102, 28-105; Baldwin 6499, 6500, 6511.

¹⁷¹ Rev. Stat. 1843, ch. 13, sec. 45. Acts 1865, 1935; Burns, 1938 suppl., 28-209; Baldwin, 1935 suppl., 6558.

¹⁷² Acts 1877 (Spec. Sess.); Burns 28-111 to 28-114; Baldwin 6518 to 6520, 6510.

¹⁷³ Acts 1865, 1875; Burns 28-122 to 28-124; Baldwin 6553, 6528, 6529.

¹⁷⁴ Acts 1863, 1865; Burns 28-125, 28-126, 28-129 to 28-133, 28-135 to 28-137, 28-140 to 28-143, 28-145, 28-146; Baldwin 6530, 6531, 6538, 6539, 6534, 6535, 6540, 6542 to 6544, 6547 to 6550, 6552, 6554.

required by law for loans to private individuals when the county borrows from the surplus funds.¹⁷⁵ Once each quarter the auditor publishes in a local newspaper the amount of school funds unloaned.¹⁷⁶

A certificate must be filed with the auditor showing that there is no incumbrance or lien on land offered as security for a loan of school funds.¹⁷⁷ The auditor specifies in the mortgage whether it belongs to the common school fund or to the congressional township fund, and, if the latter, the particular township or townships whose funds are loaned.¹⁷⁸ Payments are made to the treasurer, and his receipt is filed with the auditor who gives the payer a quietus therefor, and makes the proper entries of record.¹⁷⁹ The auditor issues quitclaim deeds whenever there is a defect in the title of the owner of lands in school sections resulting from destruction of public records.¹⁸⁰ He enforces the collections of defaulted payments.¹⁸¹ Whenever the auditor is unable to sell lands acquired through default, the county may pay the loan, accept the land, and take possession thereof.¹⁸²

The auditor makes an annual report to the board of commissioners showing the condition and activity of the school funds. The board examines the report, makes a written report of such examination, enters it of record, and transmits copies to the state superintendent of public instruction.¹⁸³ Where the whole or part of the school funds of the county have been loaned, the auditor apportions to each congressional township a sufficient number of mortgages to cover the principal of its

¹⁷⁵ Acts 1901; Burns 28-201 to 28-206; Baldwin 6568 to 6573.

¹⁷⁶ Acts 1883, ch. 58, sec. 1. Acts 1899, ch. 95, sec. 1. Acts 1907; Burns 28-207, 28-208; Baldwin 6556, 6557. Board of County Comrs. v. Leslie, 63 Ind. 492.

¹⁷⁷ Acts 1881 (Spec. Sess.); Burns 28-210; Baldwin 6580.

¹⁷⁸ Acts 1865; Burns 28-230 to 28-232; Baldwin 6587 to 6589.

¹⁷⁹ Acts 1865, 1901; Burns 28-225 to 28-237; Baldwin 6592, 6593, 6610.

¹⁸⁰ Acts 1915; Burns 28-239; Baldwin 5435.

¹⁸¹ Rev. Stat. 1843, ch. 13, sec. 96. Acts 1855, ch. 86, sec. 86. Acts 1865, 1885 (Spec. Sess.), 1889, 1933; Burns 28-240 to 28-244, 28-246 to 28-249; Baldwin 6585, 6586, 6595 to 6597, 6599 to 6601, 6594. Webb v. Moore, 25 Ind. 4; Key v. Ostrander, 29 Ind. 1; Bonnell v. Ray, 71 Ind. 141; Wilson v. Brown, 82 Ind. 471; Benefield v. Aughe, 93 Ind. 401; Shannon v. Hay, 106 Ind. 589, 7 N. E. 376; Winstanley v. Crim, 117 Ind. 328, 20 N. E. 833; Haynes v. Cox, 118 Ind. 184, 20 N. E. 758; Work v. State ex rel. Holland, 120 Ind. 119, 22 N. E. 127; State ex rel. Longfellow v. Wimer, 166 Ind. 530, 77 N. E. 1078.

¹⁸² Acts 1899; Burns 28-250 to 28-256; Baldwin 6602 to 6608.

¹⁸³ Acts 1855, ch. 86, secs. 88, 95. Acts 1855; Burns 28-260 to 28-262; Baldwin 6612 to 6614

congressional township fund.¹⁸⁴ A miscellaneous school fund account may be created by the auditor to enable him to aggregate small sums from school funds for one loan. He shows in his report the distribution of funds in full, and is liable to suit on his official bond for any failure to do so.¹⁸⁵

The auditor keeps records of all financial transactions of the county. He keeps fee books, cashbooks,¹⁸⁶ warrant books,¹⁸⁷ cancelled warrants,¹⁸⁸ fee reports of county officers,¹⁸⁹ and township trustees' reports of receipts and disbursements (accompanied by vouchers).¹⁹⁰ He keeps separate accounts for each specific item of appropriation by the county council¹⁹¹ and an account current, with the treasurer, of county funds.¹⁹² He keeps a record of all the boards of which he is clerk or secretary, and must preserve the documents, books, papers, and maps deposited in his office.¹⁹³ If any map or plat in his office becomes worn or defaced, he makes a new copy thereof.¹⁹⁴ He takes copies of such maps or plats in the recorder's office as may be necessary for the discharge of the auditor's official duties.¹⁹⁵ He keeps a record of the costs of change of venue in judicial proceedings.¹⁹⁶ He keeps a record of the appraisement and sale of swamp and indemnity lands, saline lands, and forfeited lands.¹⁹⁷

¹⁸⁴ Acts 1865; Burns 28-263; Baldwin 6615.

¹⁸⁵ Acts 1879; Burns 28-264 to 28-266; Baldwin 6616 to 6618.

¹⁸⁶ Acts 1840-41 (general), ch. 2, sec. 27. Acts 1891, ch. 194, sec. 124. Acts 1895; Burns 49-1401; Baldwin 7576.

¹⁸⁷ Rev. Stat. 1843, ch. 7, sec. 56. 1 Rev. Stat. 1852; Burns 49-3005; Baldwin 5419.

¹⁸⁸ Rev. Stat. 1843, ch. 7, secs. 79, 86. 1 Rev. Stat. 1852; Burns 49-3114; Baldwin 5561.

Interview of June 14, 1939 with E. P. Brennan, state examiner.

¹⁸⁹ Acts 1895, 1903, 1913; Burns 49-1402; Baldwin 7577. 2 Rev. Stat. 1852, Acts 1891; Burns 49-2710; Baldwin 1437.

¹⁹⁰ Acts 1899, 1901; Burns 65-318; Baldwin 16075.

¹⁹¹ Acts 1899; Burns 26-523; Baldwin 5387.

¹⁹² Acts 1840-41 (general), ch. 2, sec. 10. 1 Rev. Stat. 1852; Burns 49-3010; Baldwin 5423.

Wells v. State ex rel. Board of County Comrs., 22 Ind. 241.

¹⁹³ Acts 1840-41 (general), ch. 2, secs. 8, 54. Rev. Stat. 1843, ch. 2, sec. 2; ch. 7, secs. 5, 16, 17, 53; ch. 15, sec. 34. Acts 1855, ch. 37, sec. 1. Acts 1883, ch. 56, sec. 1. Acts 1891, ch. 99, secs. 114, 116. 1 Rev. Stat. 1852; Burns 26-611, 26-621, 49-3004; Baldwin 5226, 5238, 5418. Acts 1899; Burns 26-509; Baldwin 5373. Acts 1919, 1920 (Spec. Sess.); Burns 64-1201; Baldwin 15700. Acts 1937; Burns, 1938 suppl., 64-310; Baldwin, 1937 suppl., 15897-4.

¹⁹⁴ 1 Rev. Stat. 1852; Burns 49-3232; Baldwin 5432.

¹⁹⁵ *Ibid.*

¹⁹⁶ Acts 1913; Burns 2-1417, 2-1418; Baldwin 199, 200.

¹⁹⁷ 1 Rev. Stat. 1852, ch. 104, sec. 13. Acts 1855, ch. 85, secs. 1, 4. Acts 1883, ch. 124, sec. 2. Acts 1889; Burns 62-206 to 62-209; Baldwin 15272 to 15275.

The books and accounts of the auditor are examined, from time to time without notice, by the state examiner.¹⁹⁸ Before 1909 the board of commissioners, at each regular session, examined the books of the auditor.¹⁹⁹

The state board of accounts prescribes the forms of books, reports, accounts, and records for the use or disposition of all county auditors for every power and duty of the auditors which in any way concerns or affects the accounting for public funds.²⁰⁰

Forms for the following books were prescribed for the county auditors by the state board of accounts: Fee and cash book; tax duplicate; ditch tax duplicate; ditch tax duplicate—10 year payment; moratorium tax duplicate; register of warrants on treasurer; register of quietuses and receipts; distribution record; record of commissioners' allowances; ledger of appropriations and disbursements; ledger of receipts and disbursements; record of receipt and sale of intangible tax stamps; register of banks and savings banks; register of building and loan associations; register of school fund loans; register of school fund interest contracts and record of payments; inventory of school fund loans; record of condition of school funds; register of macadam road bonds and interest paid; bond register; transfer record; venue record; monthly balance record; auditor's financial statement; insolvent record; register of receipts and sales of material—county infirmary; construction record—ruled, printed, punched; register of redemption bonds; bidders' record; work sheet—delinquent tax extension; abstract of delinquent tax 1934 carried to 1935 duplicate; poor relief ledger; township poor bond redemption ledger; ledger of poor bond receipts; auditor's poor claim register.²⁰¹

Forms for the following blanks, documents, and reports were prescribed for the county auditors by the state board of accounts: Report of fees collected; claim for burial of soldiers; ordinance of appropriation; estimate of revenues other than taxes; warrants on treasurer; claims against county; dog claims; estimate of county commissioners—general; estimates

¹⁹⁸ Acts 1909; Burns 60-211; Baldwin 13862.

¹⁹⁹ 1 Rev. Stat. 1852, Acts 1935; Burns, 1939 suppl., 26-620; Baldwin, 1935 suppl., 5236. Acts 1897; Burns 26-636; Baldwin 5237, Interview of May 18, 1939 with E. P. Brennan, state examiner

²⁰⁰ Acts 1909; Burns 60-202; Baldwin 13855. Interview of May 18, 1939 with E. P. Brennan, state examiner.

²⁰¹ Interview of May 18, 1939 with E. P. Brennan, state examiner.

of county commissioners for orphans' home, tuberculosis hospital, county hospital, and insane hospital; estimates of clerk of the circuit court, auditor, treasurer, recorder, sheriff, surveyor, superintendent of schools, coroner, county assessor, township assessors, prosecuting attorney, highway supervisor, circuit court, and superior courts; auditor's card; report of superintendent of infirmary; report of viewers and engineer; county engineer's monthly estimate; surveyor's claim blank; specifications, bid, and contract for county printing and purchase of supplies; requisition; apportionment of current tax-June settlement; apportionment of current tax-December settlement; apportionment of bank or building and loan tax-June or December settlement; apportionment of delinquent tax-June settlement; apportionment of delinquent tax-December settlement; apportionment of moratorium tax-June or December settlement; distribution sheets-June and December; apportionment of treasurer's fees for collection of delinquent tax-June or December settlement; election to accept extension of school fund loan; contract for installment payments of delinquent interest on school fund loans; agreement for issuance of redemption bond; revised budget estimate of funds-county, township, civil city, civil town, school corporation, and library; estimate of miscellaneous revenue-county general fund, township fund, corporation fund, school corporation, civil town; June settlement sheets; December settlement sheets; abstract of taxables; notice to bidders; certificate of code compliance; school fund mortgage; journal voucher; auditor's report to commissioners; and kennel license.²⁰²

The state board of accounts was created in 1909.²⁰³ Nearly all of the aforementioned forms were prescribed in 1910 and 1911, though some changes have been made since then. Most of the books and records required by the state board of accounts were specifically required by statute; but the boards, under its broad statutory powers, has in some instance required books and records, such as the auditor's monthly balance record, not specifically required by statute. The auditor is not required to keep as many separate records now as he did before 1924, since the board consolidated many of his records that year.²⁰⁴

²⁰² *Ibid.*

²⁰³ Acts 1909; Burns 60-202; Baldwin 13855.

²⁰⁴ *Ibid.* Interview of May 18, 1939 with E. P. Brennan, state examiner.

The auditor's office must be kept at the county seat, open for the transaction of business at all times during business hours.²⁰⁵

AUDITS AND REPORTS

356. REPORTS OF STATE BOARD OF ACCOUNTS EXAMINATION OF OFFICES, 1912-. 1 bdl., 3 f.b. Title varies: Reports of State Board of Accounts on School Corps., 1912-21, 1 bdl.

Carbon copies of audit reports of county office and school corporation records made by field examiners of state board of accounts, showing dates of report and filing, names of office or school corporation and examiners, condition of accounts, and recommendations of examiners. Arr. chron. by dates of filing. No index. Hdw. and typed. Bdl., 16 x 13 x 11; f.b., 11 x 5 x 14. 1 bdl., 1912-21, attic stor. rm.; 3 f.b., 1913-, aud. rec. rm.

357. AUDITORS MISC'[e]L[aneous] AND COMMISSIONER ANNUAL REPORTS, 1908-. 1 f. b.

Annual financial reports of auditor, treasurer and board of commissioners, showing dates of report and filing, names of office and official, and itemized financial statement. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

358. OFFICIALS MONTHLY REPORTS, 1892-. 7 f.b. Title varies: Clerk, Auditors and Sheriffs Fees.

Periodic reports of fees, fines and forfeitures collected and uncollected by auditor, clerk, sheriff, and recorder, submitted to auditor and board of commissioners, showing date of instrument, collection, collection period, approval and filing, names of plaintiff, defendant, payer, official and office, amount, nature and source of collection, amount and nature of fee uncollected, amount of salary due, cause, receipt and quietus numbers, and conclusions of board of commissioners. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

359. COUNTY TREASURERS REPORTS MISCELLANEOUS, 1882-83, 1887, 1891-1918. 1 f. b.

Periodic reports submitted by treasurer to auditor and board of commissioners, including monthly reports of collections, tax collections, receipts and disbursements of county funds,

²⁰⁵ 1 Rev. Stat. 1852; Burns 49-3002; Baldwin 5416.

and quarterly and annual reports to board of commissioners, showing dates of report, examination and filing, nature of report, name and number of fund, amounts of former balance, receipt, disbursement and current balance, source of receipt, and volume and page reference to Commissioner's Record, entry 1. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

360. RECORD OF SETTLEMENTS WITH COMMISSIONERS, 1887-99.
1 vol.

Register of annual reports of treasurer and auditor to board of commissioners of receipts and disbursements of county revenue, showing dates of filing and approval, name of fund, amounts of prior balance, receipts, disbursements, current balance and totals of each fund, recapitulation of balances, receipts, disbursements and total, and amounts of orders and county and gravel road bonds outstanding. Arr. chron. by dates of filing. No index. Hdw. and printed. 79 pp. 17 x 16 x 1. Attic stor. rm.

361. [RECORD OF SETTLEMENTS WITH COMMISSIONERS], 1887-99.
1 vol.

Transcript of register of annual reports of treasurer and auditor to board of commissioners of receipts and disbursements of county revenue, showing same information as in entry 360. Arr. chron. by dates of filing. No index. Hdw. 200 pp. 19 x 15 x 1. Aud. rec. rm.

362. PROSECUTING ATTORNEY REPORT, 1932-34. 1 f. b. 1935-
in Officials Monthly Reports, entry 358.

Prosecuting attorney's monthly reports to board of commissioners of causes in which he appeared and attached claims for salary, showing dates of report, claim and filing, names of defendant, court and trial judge, amounts of claim and fees taxed, collected and paid to treasurer, claim and warrant numbers, nature of charge, and disposition of cause. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

363. REPORT TO STATE SUPERINTENDENT OF PUBLIC INSTRUCTION,
1912, 1915-. 1 f. b.

Auditors' copies of various reports to state superintendent of public instruction, including semi-annual reports of distribution of school revenue and common school revenue for tuition and congressional township revenue collected and ready for apportionment and distribution, annual reports of condition of congressional township and common school funds and average daily attendance of pupils in grades 1-12 whose legal residence

is in county, and reports of special school revenue collected in school corporations of county, showing dates of report and filing, name of official, and itemized financial or attendance statement. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

364. MONTHLY REPORT GOVERNOR'S COMM[ission] ON UNEMPLOYMENT RELIEF, 1935-. 1 f. b.

Various reports of auditor to governor's commission on unemployment relief, including list of claims paid, case load and obligations incurred against public funds, federal relief commodity certificates issued, financial and statistical reports and trustee's monthly report, showing dates of report and filing, names of principals, and nature of report. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

365. INHERITANCE TAX ORDERS, 1921-. 1 f. b.

Orders determining value of estates and amount of inheritance tax payable, showing dates of notice, decedent's death, order of court and filing, names of estate, administrator, heirs and tax appraiser, amounts of estate, bequests, exemption, tax paid, penalty and appraiser's allowance, cause number, rate of tax, and description and location of real estate. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

For other inheritance tax records, see entries 234-237, 286, 287, 311, 312.

366. FIGURES ON OUTSTANDING BONDED INDEBTEDNESS, 1915-27. 1 f. b.

Annual statements of bonded indebtedness of county and statements of bonds maturing during year, showing dates of statement, maturity and filing, names of taxing unit and bond issue, and itemized statement of amounts outstanding and to be redeemed, and total bonded indebtedness. Arr. chron. by dates of statements. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

367. HOUSEHOLDER'S REPORT OF MUTES, BLIND AND INSANE, 1921-26. 2 f. b.

Reports of township assessors to auditor listing deaf and dumb, blind, idiotic or insane persons in families residing in their townships, showing dates of report and filing, name, address, age, sex and type of affliction of person listed, and names of parent or guardian, assessor and township. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. 1 f. b., 1921-26, aud. rec. rm.; 1 f. b., 1925, assr. off.

368. JUSTICE OF THE PEACE FINES, 1882-. 2 f. b.

Reports to auditor of fines collected by justices of the peace, showing dates of report, collection and filing, names of township, justice of the peace, plaintiff and defendant, amount collected, and volume and page reference to Commissioner's Record, entry 1. Arr. chron. by dates of filing. No index. Hdw. 1 f. b., 6 x 4 x 9; 1 f. b., 11 x 5 x 14. 1 f. b., 1882-94, attic stor. rm.; 1 f. b., 1895-, aud. rec. rm.

369. TRUSTEES' REPORTS, 1871-. 113 f. b. 3 cartons, 2 bdls.

Title varies: Poor Reports.

Periodic reports of receipts and disbursements of various funds controlled by township trustees, showing dates of report and filing, dates and amounts of receipt and disbursement, names of trustee and fund, and balance. No orderly arr. No index. Hdw. 106 f. b., 6 x 4 x 9; 7 f. b., 11 x 5 x 14; cartons, 20 x 18 x 16; bdls., 15 x 12 x 11. 106 f. b., 3 cartons, 2 bdls., 1871-1930, attic stor. rm.; 7 f. b., 1931-34, 1937-, aud. rec. rm.

370. TOWNSHIP TRUSTEE POOR REPORTS, 1895-1909, 1915-.

10 f. b., 4 cartons, 1 f. b. Title varies: Report of Relief, 1895-1908. 1910-14 in Comm.[issioners'] Court [Papers], entry 3.

Township trustees' quarterly reports of relief, showing date of report, name and address of trustee, name, age, sex, color, nationality, occupation, length of residence in county, former residence and residence of relatives of person helped, report number, number of persons sharing aid, and sex and age of each, reason for relief, and date, kind and amount of help given. Arr. chron. by dates of reports. No index. Hdw. 7 f. b., 6 x 4 x 9, 4 cartons, 20 x 16 x 6, 3 f. b., 11 x 5 x 14; 1 f. d., 5 x 12 x 24. 7 f. b., 4 cartons, 1895-1909, 1915-26, attic stor. rm.; 3 f. b., 1927-33, aud. rec. rm., 1 f. d., 1934-, aud. pvt. off.

371. TOWNSHIP TRUSTEE VOUCHERS, 1908-. 4 cartons, 1 bdl.,

8 f. b. Title varies: Trustees Reports, 1935, 1 f. b.

Receipted carbon copies of township trustees' vouchers issued in payment of township expenses, showing date, amount and number of voucher, names of payee, township and fund, and nature of payment. Arr. chron. by dates of vouchers. No index. Hdw. Cartons, 12 x 10 x 9; bdl., 12 x 16 x 9; f. b., 11 x 5 x 14. 4 cartons, 1 bdl., 1908-30, attic stor. rm. 8 f. b., 1931-, aud. rec. rm.

372. REGISTER OF TOWNSHIP WARRANTS AUDITED, 1897-99. 1 vol.

Discontinued.

Register of township warrants audited, showing date, number, amount and purpose of warrant, names of township, trustee, fund and payee, and dates of warrant, examination and meeting of auditing board. Arr. chron. by dates of warrants. No index. Hdw. 640 pp. 18 x 12 x 3. Aud. rec. rm.

373. ROAD TAXES PAID AND DELINQUENT, 1883-93. 5 f. b.

Township trustees' annual reports of lists of road taxes paid in full or in part, showing dates of report and filing, names of trustee, township and payee, amounts of tax by performance of labor paid in money, and district number. Arr. chron. by dates of filing. No index. Hdw. 6 x 4 x 9. Attic stor. rm.

374. TRUSTEES REPORTS TO AUDITOR OF DOG TAX, 1909-. 2 f. b.

Township assessors' annual reports to auditor of dog taxes collected and turned over to township trustees, showing dates of payment and filing, names of assessor, trustee and township, amounts collected and paid to trustee, and itemized list of collections. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

375. DOG FUND, 1886, 1891, 1899-1903, 1906-. 7 f. b.

Title varies: Dog Reports, 1912-18, 1 f. b. 1904-5 in Comm.[issioners'] Court [Papers], entry 3.

Reports of dog fund receipts and expenditures submitted annually to auditor by township trustees, showing dates of report and filing, dates and amounts of receipt and disbursement, amount of quietus, names of payee, township and trustee, quietus and voucher numbers, and source of receipt and purpose of payment. Arr. chron. by dates of filing. No index. Hdw. 4 f. b., 6 x 4 x 9; 3 f. b., 11 x 5 x 14. 4 f. b., 1886, 1891, 1899-1903, 1906-11, attic stor. rm.; 3 f. b., 1912-, aud. rec. rm.

376. [DOG TAX RECEIPTS], 1919, 1925-27. 1 carton.

Copies of receipts for dog taxes collected by township assessor, showing date and amount of receipt, name of taxing unit and owner, and description of dog. Arr. chron. by dates of receipts. No index. Hdw. 16 x 12 x 10. Attic stor. rm.

RECEIPTS AND DISBURSEMENTS

GENERAL FUND

377. RECORD OF MONTHLY BALANCE, 1912-. 5 vols. (1-5).

Auditor's monthly financial statements of receipts and disbursements of county funds, showing date of statement, name

of fund, amounts of previous and current receipts and disbursements, totals, and balance. Arr. chron. by dates of statements. No index. Hdw. 116 pp. 20½ x 16 x 1. 3 vols., 1912-29, attic stor. rm.; 2 vols., 1930-, aud. rec. rm.

378. RECORD OF BALANCES, COUNTY FUNDS, 1903. 1 vol. Register of annual balances of county funds, showing dates and amounts of prior and current balances, names of funds, amounts of receipts and disbursements, and total. Arr. chron. by dates of balances. No index. Hdw. 150 pp. 17 x 29 x 1½. Attic stor. rm.

379. AUDITOR'S FEE AND CASH BOOK, 1871-73, 1879-93, 1895-. 3 vols. (2 vols. not numbered, 1). Title varies: Fee Book, 1871-73, 1 vol.; Auditor's Cash Book, 1895-1909, 1 vol. 1879-94 in [Record of Sale of Swamplands], entry 501.

Register of fees collected and paid to treasurer by auditor for services on instruments filed in his office 1871-73, 1895-, showing date and amount of payment, name of payer, kind of instrument, and total amount paid to treasurer. Also contains: [Township Trustees' Proceedings], 1879-93, entry 512. Arr. chron. by dates of payments. No index. Hdw. 400 pp. 18 x 12 x 3. 1 vol., 1871-73, attic stor. rm.; 1 vol., 1895-1909, aud. rec. rm.; 1 vol., 1910-, aud. off.

380. CASH BOOK, 1871-72. 1 vol.

Register of fees collected by auditor for services on instruments, showing dates of collection and payment to treasurer, name of payer, amount collected, and volume and page reference to Auditor's Fee and Cash Book, entry 379. Arr. chron. by dates of collections. No index. Hdw. 240 pp. 16 x 11 x 1. Attic stor. rm.

381. RECORD OF APPROPRIATIONS AND DISBURSEMENTS, 1911-. 10 vols. 1 bdl. (1-5, 5 vols., and 1 bdl. not numbered).

Ledger of receipts, appropriations and disbursements of county and miscellaneous funds, showing dates and amounts of appropriation and receipt or disbursement, name of fund, appropriation, receipt, fund and warrant numbers, source of receipt, total disbursements, and balance. This is a combination of seven records formerly kept separately: Appropriation Ledger, 1900-1910, entry 382; Record of Receipts and Disbursements County Funds, 1868-1910, entry 383; Record of Receipts and Disbursements, County Officers' Fund, 1893-1910, entry 384; Ledger Free Gravel Road and Bridge Construction, 1923-32, entry 428; [Gravel Road Repair Funds], 1911-19, entry 429; Receipts and Disbursements Gravel Road Funds, 1893-99, 1905-

10, entry 430; Receipts and Disbursements Ditch and Levee Funds, 1905-11, entry 431. Arr. by names of funds, thereunder num. by appropriation nos. No index. Hdw. Vols., 350 pp. 18 x 15 x 3; bdl., 18 x 15 x 3. Aud. rec. rm.

382. APPROPRIATION LEDGER, 1900-1910. 5 vols. (3 vols. not numbered, 1, 2). Title varies: General Ledger, 1900-1904, 3 vols. 1911-in Record of Appropriations and Disbursements, entry 381.

Ledger of appropriations and disbursements of county and miscellaneous funds, showing date, amount and purpose of disbursement, names of payee and fund, number and amount of appropriation, warrant and series numbers, total disbursements, and balance. Also contains: [Gravel Road Repair Funds], entry 429. Arr. num. by appropriation nos. Indexed alph. by names of funds. Hdw. and typed. 384 pp. 17 x 15 x 2. Aud. rec. rm.

383. RECORD OF RECEIPTS AND DISBURSEMENTS COUNTY FUNDS, 1868-1910. 4 vols. (1-4). 1911- in Record of Appropriations and Disbursements, entry 381.

Ledger of receipts and disbursements of county funds, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total receipts and disbursements, and balance. Also contains: Receipts and Disbursements S.[chool] F.[und] Principal, 1906-10, entry 489; Receipts and Disbursements S.[chool] F.[und] Interest, 1905-10, entry 490. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 290 pp. 17 x 21 x 3. Attic stor. rm.

384. RECORD OF RECEIPTS AND DISBURSEMENTS, COUNTY OFFICERS' FUND, 1893-1910. 1 vol. 1911- in Record of Appropriations and Disbursements, entry 381.

Record of receipts and disbursements of funds for county officials, showing date and amount of receipt or disbursement, name of fund, receipt or order number, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 238 pp. 18 x 12 x 2. Aud. rec. rm.

385. MISCELLANEOUS REGISTER, 1869-81. 1 vol.

Daily register of miscellaneous payments received by treasurer, showing date, amount and nature of payment, names of payer and fund, and quietus and receipt numbers. Arr. chron. by dates of receipts. No index. Hdw. 400 pp. 16 x 11 x 2. Aud. rec. rm.

386. JOURNAL [County Funds], 1851-66. 1 vol.

Register of receipts and disbursements of county funds, show-

ing date and amount of receipt or disbursement, names of payee or payer and fund, receipt or order number, and total receipts and disbursements. Arr. by names of funds, thereunder chron. by dates of receipts and disbursements. Hdw. 441 pp. 16 x 11 x 2. Aud. rec. rm.

387. LEDGER, [County Revenue], 1851-71, 1880. 1 vol.
Ledger of receipts and disbursements of county revenue, 1851-71, showing dates and amounts of receipt and disbursement, name of fund, source of receipt, and nature of payment. Also contains: [Register of County Fund Disbursements], 1880, entry 408. Arr. by names of funds, thereunder chron. by dates of receipts and disbursements. Indexed alph. by names of funds. Hdw. 400 pp. 16 x 11 x 1½. Attic stor. rm.

388. RECEIPTS AND DISBURSEMENTS TOWNSHIP & CORPORATION TAXES, 1905-10. 1 vol.
Ledger of receipts and disbursements of township and corporation taxes and other items, showing date of receipt or disbursement, names of payer or payee and fund, receipt or order number, amounts of receipts and disbursements, and total. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 202 pp. 17 x 21 x 2. Attic stor. rm.

389. RECEIPTS AND DISBURSEMENTS TAXES [and Other Funds], 1880-1904. 1 vol.
Register of receipts and disbursements of taxes and other funds, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 125 pp. 17 x 16 x 1½. Attic stor. rm.

390. REGISTER OF RECEIPTS FOR DEL[inquent] TAXES, 1868-77. 1 vol.
Daily record of receipts of delinquent taxes, showing date, nature, number and amount of receipt, names of payer and taxing unit, duplicate number, number of polls, number and sex of dogs, and totals. Arr. by names of taxing units, thereunder num. by duplicate nos. No index. Hdw. 476 pp. 14 x 10 x 2. Attic stor. rm.

391. JUSTICE DOCKET [Funds Advanced to Taxing Units], 1910-32. 1 vol.
Ledger of funds advanced by county to taxing units for examination of records by state board of accounts, 1915-32, showing date and amount of advancement or repayment, name of taxing unit, period covered by examination, and quietus number. Also contains: [Funds Advanced to Taxing Units for Levee and

Ditch Repairs], 1910-27, entry 433. Arr. chron. by dates of advancements. No index. Hdw. 432 pp. 17 x 10 x 1½. Aud. off.

For subsequent records, see entry 381.

392. SETTLEMENT SHEETS, 1852-. 32 f.b., 1 cabinet.

Settlement sheets for distribution of tax revenue among various taxing units, showing date of settlement, names of taxing unit and fund, and kind and amount of tax collected, delinquent and apportioned. Arr. chron. by dates of settlements. No index. Hdw. F.b., 11 x 6 x 14; cabinet, 76 x 24 x 18. 32 f.b., 1852-, aud. rec. rm.; 1 cabinet, 1935-, comr. ct. rm.

393. AUDITOR'S CERTIFICATE OF DISTRIBUTION, 1903-. 14 vols., 1 carton (2-6, and 9 vols. and 1 carton not numbered).

Auditor's certificate of distribution of tax collections by warrants to various taxing units, showing date of certificate, warrant number, names of taxing unit, payee and fund, amount of distribution, and total. Arr. chron. by dates of certificates. No index. Vols., 200 pp. 12 x 16 x 1½; carton, 19 x 15 x 11. 1 carton, 10 vols., 1903-29, attic stor. rm.; 4 vols., 1930-, aud. rec. rm.

394. DISTRIBUTION TO TOWNSHIPS, 1908-. 2 f.b. 1888-89, 1895-99 in Comm[issioners'] Court [Papers], entry 3.

Auditor's advancement and settlement sheets for distribution of tax collections and school funds to county taxing units, showing dates of advancement and settlement, names of taxing unit and fund, enumeration of school children, amounts of each fund advanced and distributed, and totals. Arr. chron. by dates of settlements. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

395. CIRCUIT COURT ALLOWANCES, 1877-1926, 1935-. 8 f.b.

Title varies: Sheriff's List of Allowances, 1913-18, 1 f.b.

Orders of allowance for services, mileage and merchandise furnished the court, showing dates of order, and filing, court term, name and address of claimant, name of official, amounts of allowance and warrant, fund and warrant numbers, and itemized statement of claim. Also contains: Change of Venue Claims, 1902-12, entry 400. Arr. chron. by dates of filing. No index. Hdw. and typed. 2 f.b., 6 x 4 x 9; 6 f.b., 11 x 5 x 14. 2 f.b., 1877-1902, attic stor. rm.; 6 f.b., 1903-26, 1935-, aud. rec. rm.

396. INSANITY INQUEST ALLOWANCES, 1873-. 8 f.b. Title varies: Insanity Claims, 1873-1900, 4 f.b.

Court orders of allowances and claims filed with auditor for

admittance and inquest fees, medical service, transportation, and clothing furnished persons admitted and committed to state institutions from Clay County, showing dates of claim and filing, names of claimant, institution and person admitted or committed, amounts of claim and warrant, warrant number, and itemized schedule of claim. Arr. chron. by dates of filing. No index. Hdw. and typed. 4 f.b., 6 x 4 x 9; 4 f.b., 11 x 5 x 14. 4 f.b., 1873-1900, attic stor. rm.; 4 f.b., 1901-, aud. rec. rm.

397. CERTIFICATE OF PAYMENTS TO STATE BOARD OF ACCOUNTS, 1910-. 1 f.b.

Field examiners' per diem and expense vouchers for examination of financial conditions of county offices, showing dates of voucher and filing, name of examiner, amount of voucher, itemized statement of expenses of examination, and voucher and warrant numbers. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

398. PAYMENTS TO THE STATE BENEVOLENT INSTITUTIONS' 1916-. 1 carton, 5 f.b. Title varies: Inmates of State Institutions, 1933-34, 1 f.b.

Claims paid to state treasurer by auditor for subsistence and clothing expenses of inmates of state benevolent institutions, and for cost of transportation advanced to discharged inmates of penal institutions committed from Clay County, showing date of claim, names of institution and inmate, amounts of claim, transportation advancement and warrant, claim and warrant numbers, and itemized schedule of claim. Arr. chron. by dates of claims. No index. Hdw. and typed. Carton, 14 x 14 x 11; f.b., 11 x 5 x 14. 1 carton, 1916-30, attic stor. rm.; 5 f.b., 1931-, aud. rec. rm.

399. CHANGE OF VENUE RECORD, 1913-. 1 vol.

Register of claims paid and outstanding for costs in change of venue causes, showing dates of receipt and warrant, names of plaintiff, defendant and county, amounts of claim and warrant, names of payee and payer, and warrant and quietus or receipt numbers. Arr. chron. by dates of receipts and warrants. No index. Hdw. 143 pp. 14 x 14 x 1½. Aud. off.

For other change of venue records, see entries 248-250, 400.

400. CHANGE OF VENUE CLAIMS, 1913-. 2 f.b. 1902-12 in Circuit Court Allowances, entry 395.

Court allowances for costs incurred in venued causes, showing dates of filing, disposition and allowance, names of plaintiff and defendant, number and nature of cause, court proceedings,

amount of allowance, warrant number, itemized statement of costs, and total costs. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Aud. rec. rm.

For other change of venue records, see entries 248-250, 399.

401. CERTIFICATE OF PAYMENTS TO STATE BOARD OF ACCOUNTS, 1910-. 1 f.b.

Field examiners' per diem and expense vouchers for examination of financial conditions of county offices, showing dates of voucher and filing, name of examiner, amount of voucher, itemized statement of expenses of examination, and voucher and warrant numbers. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

402. HOSPITAL CLAIMS, 1929-. 6 f.b.

Claims allowed by Clay County Hospital Trustees, showing dates of claim, allowance and filing, names and addresses of claimant and payee, amounts of claim and allowance, hospital claim and warrant numbers, and itemized schedule of claim. Arr. num. by claim nos. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

403. REFUNDS ON MORTGAGES, 1933. 1 f.b.

Claims for refund (according to an act of 1933) of mortgage fees paid recorder and attached recorder's original receipts, showing dates of receipt, claim and filing, name and address of claimant, name of person in whose name mortgage is recorded, amounts of claim and receipt, receipt and warrant numbers, and nature of claim. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

404. [WARRANTS], 1916-. 1 bdl., 8 vols.

Carbon copies of warrants issued for disbursements of funds, showing date, number and amount of warrant, names of payee and fund, and appropriation number. Arr. num. by warrant nos. No index. Typed. 1 bdl., 19 x 14 x 6; 8 vols., 900 pp. 17 x 12 x 6. 1 bdl., 6 vols., 1916-36, attic stor. rm.; 2 vols., 1937-, aud. rec. rm.

For prior records, see entry 406.

405. REGISTER OF WARRANTS ISSUED, 1851-80, 1907-Mar. 1, 1924. 9 vols. (2, 4, 1 vol. not numbered, 1, 2, 1-4). Title varies: Register of Orders, 1851-80, 3 vols. Discontinued.

Register of warrants drawn on treasurer for payment of county expenses, showing dates issued, received and redeemed, claim, warrant, appropriation and ledger folio numbers, names of payee and fund, and amount and purpose of warrant. Arr. chron. by dates of warrants. No index. Hdw. 480 pp. 18 x 20 x 2. Aud. rec. rm.

406. AUDITOR'S WARRANTS, 1911-June 18, 1915. 12 vols. Stubs of county warrants issued by auditor for payment of county claims, showing date, number, amount and purpose of warrant, and names of payee and fund. Arr. num. by warrant nos. No index. Hdw. 400 pp. 16 x 14 x 2½. Attic stor. rm.

For prior records, see entry 407; for subsequent records, see entry 404.

407. COUNTY ORDERS, 1858-1910. 57 vols. Title varies: Commissioners' Orders, 1858-60, 1 vol.

Stubs of orders drawn on treasurer for payment of claims as allowed by commissioners' court, showing dates of order and issuance, court term, names of payee and fund, amount and purpose of order, and order and claim numbers. Arr. num. by order nos. No index. Hdw. 150 pp. 16 x 14 x 1½. Attic stor. rm.

For subsequent records, see entry 406.

408. [REGISTER OF COUNTY FUND DISBURSEMENTS], 1880. In Ledger, [County Revenue], entry 387.

Register of disbursements of county funds, showing date and amount of disbursement, name of fund, and order number.

409. JOURNAL, [County Orders], 1866-75. 1 vol.

Journal of orders drawn on treasurer to disburse county funds, showing date, amount and purpose of order, and names of payee and fund. Arr. chron. by years, thereunder by names of funds. No index. Hdw. 480 pp. 16 x 12 x 2. Attic stor. rm.

410. COUNTY ORDERS [Redeemed], 1864-94. 37 f.b. 1895-1905 in Comm.[issioners'] Court [Papers], entry 3. Redeemed auditors' orders to pay to treasurer claims allowed by board of commissioners, showing dates of order, allowance and redemption, name of payee, amount and number of order, and nature of claim. Arr. chron. by dates of redemptions. No index. Hdw. 6 x 4 x 9. Attic stor. rm.

411. APPLICATIONS TO PAY, 1894-1921. 4 vols., 1 carton. 3 bdls. 1922- in Auditor's Quietus, entry 416. Stubs and copies of applications to pay funds into treasury, including liquor licenses, 1909-18, official fees, 1912-21, and school funds, 1912-21, issued by auditor and presented to treasurer, showing date of application, names of applicant and fund, application number, and amount and nature of payments. Arr. num. by application nos. No index. Hdw. Vols., 250 pp. 14 x 11 x 1½; carton, 14 x 12 x 10; bdls., 16 x 12 x 10. Attic stor. rm.

412. [APPLICATION TO PAY OFFICIAL FEES], 1893-1911. 1 vol. Stubs of applications to pay official fees issued by auditor

and presented to treasurer to obtain quietus, showing dates of collection period, names of official and office, and amount and number of application. Arr. num. by application nos. No index. Hdw. 200 pp. 16 x 11 x 1. Attic stor. rm.

For subsequent records, see entry 411.

413. LIQUOR LICENSE APPLICATIONS, 1885-1908. 4 vols.

Stubs of applications of retail liquor dealers to pay for liquor license fees, showing dates of application and expiration of license, name of applicant, duration and cost of license, and application number. Arr. num. by application nos. No index. Hdw. 125 pp. 12 x 12 x 1. Attic stor. rm.

For subsequent records, see entry 411; for other liquor license records, see entry 13, 14, 418.

414. TREASURER'S RECEIPTS, 1879-. 25 f. b.

Receipts for money paid to county issued by treasurer and filed with auditor to obtain quietuses, showing dates of receipt and filing, name of payer, amount and nature of payment, and receipt number. Arr. chron. by dates of filing. No index. Hdw. 16 f. b., 6 x 4 x 9; 7 f. b., 11 x 5 x 14. 16 f. b., 1879-1906, attic stor. rm.; 7 f. b., 1907-34, aud. rec. rm.; 2 f. b., 1935-, aud. off.

415. REGISTER OF RECEIPTS, 1852-63, 1911-31. 3 vols. (1 vol. not numbered, 1, 2). Discontinued.

Daily register of all receipts for which quietuses have been issued, showing date, amount and nature of payment, names of payer and fund, and receipt and ledger folio numbers. Arr. num. by receipt nos. No index. Hdw. 250 pp. 17 x 12 x 2. Attic stor. rm.

416. AUDITOR'S QUIETUS, 1872-73, 1876-78, 1881-85, 1893-. 8 vols., 1 carton.

Stubs and carbon copies of quietuses issued by auditor upon presentation of treasurer's receipts, showing date, amount and number of quietus, names of payer and fund, and nature of payment. Also contains: Application to Pay, 1921-, entry 411. Arr. num. by quietus nos. No index. Hdw. 300 pp. 15 x 11 x 2; carton, 16 x 12 x 30. 7 vols., carton, 1872-73, 1876-78, 1881-85, 1893-1929, attic stor. rm.; 1 vol., 1930- aud. off.

417. QUIETUS FOR OFFICIAL FEES, 1893-1911. 1 vol.

Stubs of quietuses issued by auditor upon presentation of treasurer's receipts for full payment of official fees, showing dates of collection period, date, amount and number of quietus, and name of office collecting fees. Arr. num. by quietus nos. No index. Hdw. 200 pp. 17 x 11 x 1. Attic stor. rm.

For subsequent records, see entry 416.

418. LIQUOR LICENSE QUIETUS, 1885-92. 1908. 2 vols.

Stubs of quietuses issued by auditor upon presentation of treasurer's receipts for liquor license fees, showing date, number and amount of receipt, name of payer, and duration of license. Arr. num. by quietus nos. No index. Hdw. 500 pp. 8 x 12 x 1½. Attic stor. rm.

For subsequent records, see entry 416; for other liquor license records, see entries 13, 14, 413.

419. RAILROAD TAX REFUND, 1891. 1 f. b.

Receipts filed with auditor for railroad taxes paid in 1885 in Washington Township and refunded by treasurer upon orders of board of commissioners, showing dates of receipt and filing, name of claimant, amount refunded, and receipt number. Arr. chron. by dates of filing. No index. Hdw. 6 x 4 x 9. Attic stor. rm.

POOR RELIEF

420. REGISTER OF POOR FUND CLAIMS, 1935-. 1 vol.

Register of trustees' poor fund claims paid by auditor, showing dates of filing and payment, names of township and claimant, amount and nature of claim, warrant and trustee's claim numbers, and amounts paid by federal fund and certified by auditor. Arr. alph. by names of twps., thereunder chron. by dates of warrants. No index. Hdw. 200 pp. 12 x 18 x 3. Aud. rec. rm.

421. RECORD OF RELIEF OF POOR IN TOWNSHIP, 1905-34. 2 vols. (1, 2).

Register of receipts and disbursements of poor relief funds, showing date and amount of receipt or disbursement, names of payee or payer and township, receipt or warrant number, source of receipt or nature of disbursement, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 200 pp. 16 x 12 x 2. Aud. rec. rm.

For subsequent records, see entry 420.

422. [DISBURSING ORDERS], 1933. 1 f. d.

Original orders issued by township trustee and American Red Cross to recipients of poor relief, showing date and amount of order, name of recipient, and itemized list of commodities furnished. Arr. chron. by dates of orders. No index. Hdw. 15 x 19 x 24. Aud. off.

423. JOURNAL VOUCHERS, 1935-. 1 f. b.

Vouchers issued for transfer of county revenue appropriated for poor relief, showing date of voucher, names of township

and fund, voucher number, amount appropriated, and total. Arr. num. by voucher nos. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

424. POOR ORDERS, 1905-11. 1 vol.

Receipted stubs of warrants issued by auditor reimbursing trustees for poor relief claims allowed by board of commissioners, showing date, amount and number of order, date of allowance, names of trustee and township, and number and series of order. Arr. by series, thereunder num. by order nos. No index. Hdw. 200 pp. 17 x 14 x 1. Attic stor. rm.

WELFARE (see also 509, 619-629)

425. WELFARE DEPARTMENT PAYMENTS TO STATE FOR ASS'[is]T. [ance] FOR CRIPPLED CHILDREN IN RILEY HOSPITAL, 1936-. 1 f. b.

Welfare department claims paid by auditor for medical care and treatment of sick and crippled children from Clay County at Riley Hospital and for repayment of recoveries for old-age assistance, showing dates of claim and filing, names of claimant and payee, amount of claim, warrant, claim and appropriation numbers, and itemized statement of claim. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

For prior Riley Hospital claims, see entry 396.

426. [REGISTER OF WARRANTS FOR OLD-AGE ASSISTANCE AND CARE OF DEPENDENT CHILDREN], 1935-. 2 vols.

Carbon copies of welfare fund warrants issued by auditor for old-age assistance and care of dependent children, showing date, amount and purpose of warrant, warrant and account numbers, and name and address of payee. Arr. chron. by dates of warrants. No index. Hdw. 1100 pp. 19 x 12 x 5. Aud. rec. rm.

For other old-age assistance records, see entries 136, 137, 427iv-vii, 605-615.

427. OLD AGE PENSIONS, PAYROLLS, WITHDRAWALS, GUARDIAN, AWARD, 1933-. 1 f. d.

Original documents in old-age pension and assistance to dependent children cases, including:

- i. Copies of reports of appointments to staff positions submitted to state department of public welfare, 1937-, showing dates of appointment and approval, name, title, salary and monthly travel allowance of appointee, and county eligible list from which appointment is made. Arr. chron. by dates of approval.

- ii. Copies of authorizations to administer oaths and affirmations to employees and officers of department of public welfare, and revocations of authorizations, 1938-, showing dates of instrument, oath and filing, name and position of person authorized, duration and conditions of authorization, oath of person authorized, and code and serial numbers. Arr. chron. by dates of instruments.
- iii. Certified copies of petitions for appeal for restoration of appropriation and tax levy, with budget schedule attached, submitted to state board of tax commissioners, 1938-, showing dates of petition, budget schedule and filing, items appealed, and itemized budget schedule. Arr. chron. by dates of filing.
- iv. Original applications for old-age pensions, 1933-36, showing dates of application and filing, name, age, sex, date and place of birth, marital and citizenship status, amount and source of income, valuation and description of property and case history of applicant, names, ages and financial status of children, and action of board of commissioners. Arr. chron. by dates of filing.
- v. Copies of old-age assistance awards, change of award, withdrawal certificates, and monthly allowance schedules, 1936-, showing dates of award, change of award, withdrawal, warrants, affidavits and filing, names of recipient and payee, amounts of original and changed award, claim, warrant, application and appropriation numbers, conditions of award, reason for withdrawal, and verification and certification of claim register. Arr. by types of instruments, thereunder chron. by dates of instruments.
- vi. Certificates of appointment of responsible persons to receive payments for recipients of old-age assistance awards, 1936-, and revocations of such appointments, 1937-, showing dates of certificate, appointment, acceptance and revocation, name of recipient, name and relationship of appointee, application code and serial number, and reason for revocation. Arr. chron. by dates of instruments.
- vii. Copies of claims paid to state treasurer for state's share of old-age assistance recoveries and reports

of repayments of old-age assistance to county, 1937-, showing dates of receipt, claim, warrant and report, names of recipient and payee, amounts paid to recipients, recovered, due county and state, and application, receipt, claim and warrant numbers. Arr. chron. by dates of instruments.

- viii. Copies of certificates of award, change of award, 1936-, certificates of withdrawal of assistance, 1937-, and original allowance schedules of assistance to dependent children, 1936-, showing dates of award and change or withdrawal, names of recipient, child and payee, birth date of child, number of children assisted, amount of allowance, application, certificate, claim, warrant and appropriation numbers, conditions of award, reason for withdrawal, and verification and certification of claim. Arr. chron. by dates of instruments.
- ix. Copies of claims for burial of recipients of public assistance submitted to state department of public welfare for reimbursement, 1936-, showing date of claim, name of recipient, name of payee for funeral services, amount of claims and warrant, application, claim and warrant numbers, and affidavits of verification by county director and certification by auditor. Arr. chron. by dates of claims.
- x. Copies of claims for personal services of employees of department of public welfare, 1937-, showing dates of claim and warrant, classification, monthly rate and name of employee, appropriation and warrant numbers, number of days worked, verification of claim by county director, and certification to state department of public welfare. Arr. chron. by dates of claims.
- xi. Copies of monthly schedules of claims paid for services to crippled children, 1937-, showing dates of schedule and warrant, names of child and payee, nature of claim, amount of warrant, application, claim and warrant numbers, and total amount of claim paid. Arr. chron. by dates of schedules.
- xii. Copies of monthly financial reports submitted to state department of public welfare, 1937-, showing date of report, schedule of receipts, disbursements and appropriation balances of welfare funds, and affidavits of certification. Arr. chron. by dates of reports.

No index. Typed. 15 x 19 x 24. Aud. off.

For other old-age assistance records, see entries 136, 137, 426, 605-615.

PUBLIC IMPROVEMENTS (see also entries 34-42, 316-321)

428. LEDGER FREE GRAVEL ROAD AND BRIDGE CONSTRUCTION, 1923-32. 1 vol. 1933- in Record of Appropriations and Disbursements, entry 381.

Ledger of appropriations, receipts and disbursements for free gravel road and bridge construction, showing date, amount and purpose of warrant, dates of bid, beginning and completion of construction, acceptance and final payment, names of road, bridge, township, contractor and payee, appropriation and warrant numbers, amounts received from sale of bonds, accrued interest, premium and other funds, and balance. No orderly arr. Indexed alph. by names of roads and bridges. Hdw. 604 pp. 15 x 15 x 2½. Aud. rec. rm.

429. [GRAVEL ROAD REPAIR FUNDS], 1911-19. In Appropriation Ledger, entry 382. 1920- in Record of Appropriations and Disbursements, entry 381.

Ledger of appropriations and disbursements of funds for gravel road repairs, showing date, amount and purpose of disbursement, names of district and road, amount of appropriation, total disbursements, and balance. Arr. chron. by years, thereunder by names of districts.

430. RECEIPTS AND DISBURSEMENTS GRAVEL ROAD FUNDS, 1893-99, 1905-10. 2 vols. (1, 2). 1911- in Record of Appropriations and Disbursements, entry 381.

Record of receipts and disbursements of gravel road funds, showing date, amount, number and source of receipt, date and amount of disbursement, names of payee and fund, warrant number, total receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 150 pp. 17 x 37 x 1½. 1 vol., 1893-99, aud. rec. rm.; 1 vol., 1905-10, attic stor. rm.

431. RECEIPTS AND DISBURSEMENTS DITCH & LEVEE FUNDS, 1905-11. 1 vol. 1912- in Record of Appropriations and Disbursements, entry 381.

Record of receipts and disbursements of ditch and levee funds, showing dates of receipt and disbursement, names of payer, payee and ditch or levee, warrant number, total amounts of receipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 180 pp. 22 x 18 x 1½. Attic stor. rm.

432. RECORD OF RECEIPTS, 1911-33. 3 vols. (1, 2, 4). Discontinued.

Record of receipts of funds from sales of gravel, stone and

macadam road bonds, and from taxation for redemption of gravel, stone and macadam road bonds and coupons, showing date and amount of receipt, name of fund, receipt number, source of receipt, total receipts for each fund, and annual total receipts, disbursements and balance. Arr. chron. by dates of receipts. No index. Hdw. 101 pp. 18 x 25 x 2. 2 vols., 1911-26, attic stor. rm.; 1 vol., 1927-33, aud. off.

433. [FUNDS ADVANCED TO TAXING UNITS FOR LEVEE AND DITCH REPAIRS], 1910-27. In Justice Docket [Funds Advanced to Taxing Units for Examination of Records], entry 391.

Record of funds advanced by county to taxing units for levee and ditch repairs, showing dates and amounts of advancement and repayment, names of payee, payer, ditch and levee, and warrant number. Arr. by names of ditches and levees, thereunder chron. by dates of receipts and disbursements. Indexed alph. by names of levees and ditches.

434. BOND DISBURSEMENT RECORD, 1923-. 1 vol.

Register of disbursements of tax receipts for retirement of road bonds and coupons, showing date, amount and number of warrant, names of payee and road, amounts of bonds and coupons retired, distribution of expense by auditor to townships, and total disbursements. Arr. chron. by dates of warrants. No index. Hdw. 300 pp. 14 x 24 x 2. Aud. off.

435. GRAVEL ROAD DITCH AND LEVEE WARRANTS, 1905-11. 4 vols. Title varies: Gravel Road Orders, 1905-7, 3 vols.

Receipted stubs of warrants issued for repair of free gravel roads, ditches and levees, showing date, amount and purpose of warrant or order, names of payee and fund, and warrant or order number. 1905-7, arr. chron. by dates of orders; 1908-11, arr. num. by warrant nos. No index. Hdw. 200 pp. 18 x 14 x 2. Attic stor. rm.

436. ROAD RECEIPTS, 1921-22, 1934, 1937-. 3 f. b.

Receipts for payments of labor and materials used for maintenance of free gravel roads, showing dates of receipts and filing, names of assistant superintendent and payee, and amount and purpose of receipt. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

437. REFUNDS, 1926-27. 1 f. b.

Instruments pertaining to refunds of excess assessments on Mizer ditch, including transcripts of court orders of allowance and claims, assignments of claims and powers of attorney, showing dates of instrument and filing, names of princ-

ipals, amount of claim, cause and warrant numbers, and purpose of instrument. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

TAXES

APPRAISEMENTS

438. TRANSFER BOOKS, 1859-. 280 vols. (labelled by years).

Record of transfers of ownership of real estate in county recorded with auditor for taxing purposes, showing dates of instrument and transfer, names of grantor and grantee, amount of transfer fee, kind of instrument, and location, description and appraised valuation of property. Arr. by taxing units, thereunder alph. by names of grantors and grantees. No index. Hdw. 150 pp. 18 x 12 x 1. 224 vols., 1859-1928, attic stor. rm.; 56 vols., 1929-, aud. rec. rm.

439. ABSTRACTS ON PROPERTY, 1871-. 1 carton, 4 f. b. Copies of abstracts of assessments of property in county as returned by assessor, equalized by board of review, and submitted by auditor to state board of tax commissioners, showing date of abstract, assessment of real and personal property, number of polls in county itemized by taxing units. Arr. chron. by dates of abstracts. No index. Hdw. Carton, 18 x 15 x 7; f. b., 11 x 5 x 14. 1 carton, 1871-1910, attic stor. rm.; 4 f. b., 1911-, aud. rec. rm.

440. VALUATION RECORD, 1891. 1 vol.

Record of valuation of real estate in Staunton and Brazil for gravel road assessments, showing date of valuation, names of owner and taxing unit, location and description of property, township assessor's valuation of land and improvements and total, valuations fixed by county assessor and board of review, and total valuation. Arr. by taxing units, thereunder alph. by names of owners. No index. Hdw. 138 pp. 18 x 12 x 1. Aud. rec. rm.

441. VALUATION OF REAL ESTATE, and [Personal Property], 1859-75. 5 vols.

Record of valuation of real estate, 1859-75, and personal property, 1873-75, for purpose of tax assessment, showing year of valuation, names of township and taxpayer, location and description of property, valuation of land, improvements and total, valuation of personal property, number of polls, total valuation of all taxable property, and amount of taxes payable. Arr. by twps., thereunder alph. by names of taxpayers. No index. Hdw. 325 pp. 18 x 13 x 2½. Attic stor. rm.

RETURNS

442. PUBLIC UTILITIES DOMESTIC AND CORPORATION STATEMENTS, 1875-. 29 f. b., 3 cartons. Title varies: Railroads and Corporations.

Statements made by public utilities and domestic corporations to board of review as to ownership and valuation of stocks, bonds and all taxable property, showing dates of statement and filing, names of utility, corporation and person making statement, amount, valuation and classification of stocks and bonds, assets and liabilities of corporation or utility, and itemized list of all taxable property. Arr. chron. by dates of filing. No index. Hdw. and typed. 15 f. b., 6 x 4 x 9; 14 f. b., 11 x 5 x 14; 1 carton, 14 x 11 x 9; 1 carton, 15 x 10 x 4; 1 carton, 9 x 8 x 8. 15 f. b., 3 cartons, 1875-1906, 1929, 1932-34, attic stor. rm.; 14 f. b., 1907-, aud. rec. rm.

For other domestic corporation statements, see entry 446 iii.

443. OMITTED PROPERTY ASSESSMENT SHEETS, 1902-11, 1915-. 6 f. b. Title varies: 1921-26, Reappraisements: 1922-26, Omitted Property.

Statements of tax assessments omitted on tax duplicates through error, showing date of filing, name and address of taxpayer, amount of tax, and nature of error. Arr. by dates of filing. Hdw. 11 x 5 x 14. 5 f. b., 1902-11, 1915-, aud. rec. rm.; 1 f. b., 1922-26, assr. off.

444. OMITTED TAXES, 1896-1906. 2 f. b. Title varies: Unassessed Property.

Statements of taxes due on property not listed for assessment, showing years property not assessed, date of filing, names of property owner and township, value of property, tax rate, amount of taxes due each year, total taxes due, and statement number. Arr. alph. by names of property owners. No index. 6 x 4 x 9. Attic stor. rm.

445. SUPPLEMENTARY INFORMATION RETURNS, 1922-. 2 cartons, 12 f. b.

Supplementary information affidavits submitted to assessor by individuals, partnerships, firms, unincorporated companies, and foreign corporations engaged in manufacturing, merchandising and brokerage businesses in the state, showing dates of affidavit and filing, names of business, affiant and taxing unit, address of home office, nature of business, copy of annual balance sheet, and itemized questionnaire. Arr. chron. by dates of filing. No index. Hdw. and typed. 1 carton, 13 x 10 x 7, 1 carton, 9 x 8 x 8; f. b., 11 x 5 x 14. 2 car-

tons, 1922-24, 1928, 1932, attic stor. rm.; 9 f. b., 1927-35, aud. rec. rm.; 3 f. b., 1936-, assr. off.

For other supplementary information returns, see entry 446ii.

446. BARRETT LAW ASSESSMENTS [Request for Additional Appropriations], 1934-. 1 f. b.

Auditor's and county council papers pertaining to assessments and additional appropriations, including:

- i. Requests for additional appropriations, 1936-, showing dates of instrument and filing, name of taxing unit, amount of additional appropriation, ordinance number, and provisions of ordinance.
- ii. Supplementary information returns, 1934, 1935, showing information as in entry 445.
- iii. Domestic corporation statements, 1934, 1935, showing information as in entry 442.

No orderly arr. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

For other appropriations, see entries 44, 45.

447. ADDITIONAL IMPROVEMENTS, 1929-30. 1 f. b.

Statements of assessment of additional improvements, showing dates of statement and filing, names of taxpayer and taxing unit, location and description of property, and amounts of improvement and assessment. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

448. ORDER FOR REASSESSMENT, 1932-. 1 f. b.

Carbon copies of orders from state board of tax commissioners to auditor to correct assessments and issue certificates of error, showing date of order, name and address of property owner, location and description of property, file and order numbers, and total amount of assessment. Arr. chron. by dates of orders. No index. Typed. 11 x 5 x 14. Assr. off.

449. STATE TAX BOARD REDUCTION ORDERS, 1932-33, 1935, 1937-. 1 f. b., 1 bdl. 1934, 1936 in Board of Review, entry 290; 1937 also in Moratorium, Appeals from the Board of Review, entry 466.

Petitions and appeals to state board of tax commissioners for review of assessments, applications for reassessments, and orders from state board of tax commissioners to auditor for correction of assessments, showing dates of instrument, approval and filing, year of assessment, name and address of taxpayer, amounts of assessed valuation, declared by taxpayer and recommended by two county officials, file and order numbers, amount of erroneous assessment, and approval of state

board of tax commissioners. Arr. chron. by dates of filing. No index. Hdw. and typed. F. b., 11 x 5 x 14; bdl., 14 x 9 x 2. 1 f. b., 1932-33, 1935, aud. rec. rm.; 1 bdl., 1937-, assr. off.

450. LOSS OF IMPROVEMENTS, 1903-35. 1 f. b. Discontinued. Property owners' affidavits of loss of improvements filed with auditor to obtain reductions in tax assessments, showing dates of affidavit and loss, name of affiant, location and valuation of improvement, and cause of loss. Arr. chron. by dates of affidavits. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

ASSESSMENT LISTS

451. ASSESSOR'S BOOKS, 1879-. 831 vols.

Record of real and personal property for assessor's use in ascertaining value of property for tax purposes, showing date of assessment, names of owner and township, location and description of property and improvements, valuation of real property and improvements, township assessor's valuation of personal property, and total. Arr. by twps., thereunder alph. by names of owners. No index. Hdw. and typed. 122 pp. 17 x 14 x 1½. 778 vols., 1879-1932, attic stor. rm.; 53 vols., 1933-, aud. rec. rm.

452. ASSESSMENT LIST [Personal Property], 1851, 1904-. 1515 vols. (labelled by years).

Schedule of assessments for taxation of personal property, showing date of assessment, name and address of property owner, name of taxing unit, itemized schedule of valuation of tangible personal property, assessment number, and total valuation of property. Arr. by taxing units, thereunder alph. by names of property owners. Hdw. and typed. 300 pp. 9 x 14 x 1½. 1364 vols., 1851, 1904-35, attic stor. rm.; 151 vols., 1936-, assr. off.

453. ASSESSMENT LISTS, REAL ESTATE, 1907-32. 207 vols. (labelled by years).

Assessment lists of real estate and improvements, showing date of assessment, names of property owner and taxing unit, location and description of property, valuation of land and improvements, and total. Arr. alph. by names of property owners. No index. Hdw. 200 pp. 9 x 14 x 1. 175 vols., 1907-28, attic stor. rm.; 32 vols., 1932, assr. off.

EXEMPTIONS

454. MORTGAGE EXEMPTIONS, 1899-. 38 f. b., 6 cartons, 28 vols.

Affidavits of mortgage indebtedness for purpose of obtaining

tax exemptions filed with auditor for action by board of review, showing dates of affidavit and filing, names of township and mortgagor, name and address of mortgagee, amount of mortgage unpaid, affidavit number, location, description and assessed valuation of property, and volume and page reference to Mortgage Record, entry 122. 1899-1930, arr. chron. by dates of filing; 1931-, arr. by twp., thereunder alph. by names of mortgagors. Also contains: Soldier's Exemptions, 1927-31, entry 456. No index. Hdw. F.b., 6 x 4 x 9; cartons, size varies; vols., 250 pp. 8 x 8 x 1½. 38 f. b., 6 cartons, 17 vols., 1899-1935, attic stor. rm.; 11 vols., 1936-, aud. rec. rm.

455. FRATERNAL AND CHURCH PROPERTY, APPLICATIONS FOR EXEMPTION, 1938-. 1 f.b.

Applications for property tax exemptions on fraternal organizations and church properties filed with auditor for action by board of review, showing dates of application, acquisition of property, filing and approval by board of review, names of applicant, organization claiming exemption and agent, name in which property last assessed, citation of law under which exemption claimed, location of property, true cash values of real estate, improvements and personal property and percent of exemption asked on each, description of property and all uses to which it is devoted and percent of use of property for other than exemption purposes, valuations of real estate, improvements and personal property, percent of exemption allowed and assessment fixed on that part not exempt by board of review. Arr. chron. by dates of filing. No index. 11 x 5 x 14. Aud. rec. rm.

456. SOLDIER'S EXEMPTIONS, 1932-. 7 vols. 1927-31 in Mortgage Exemptions, entry 454.

Affidavits of soldiers, sailors, marines and nurses and pensioned widows of such service men filed with auditor to obtain tax exemption, showing date of affidavit, year and amount of exemption claimed, name, address and age of claimant, pension certificate or compensation award number, type of service, and location and description of property. Arr. by twps., thereunder chron. by dates of affidavits. No index. Hdw. 100 pp. 7 x 9 x 1. 3 vols., 1932-34, attic stor. rm.; 4 vols., 1935-, aud. rec. rm.

457. VOLUNTEER FIREMAN TAX EXEMPTION, 1931-34. 1 f.b. Original affidavits for exemption of volunteer firemen from payment of city or corporation taxes, showing dates of affidavit and filing and names and addresses of fire chief and volunteer fireman. Arr. chron. by dates of filing. No index. Typed. 11 x 5 x 14. Aud. rec. rm.

458. FORESTRY RECORD, 1900-. 1 vol. Last entry, Sept. 30, 1905.

Original statements of property owners setting aside lands as first reservations in order to obtain assessments of one dollar per acre, showing date of statement, name of property owner, location, description and amount of land owned, description and amount of land selected as forest reservation, and agreement to maintain reservation in accordance with intent of an act entitled "An Act for the Encouragement of Forestry" approved Mar. 8, 1899. Arr. chron. by dates of statements. No index. Hdw. 220 pp. 16 x 10 x 1. Attic stor. rm.

459. EXEMPTIONS FROM BOUNTY TAXES, 1865-71. 1 vol.

Affidavits executed by Union Army veterans to obtain exemption from payment of taxes levied and assessed against them for purpose of paying bonds for bounty to volunteers and auditor's orders discharging veterans from payment of such taxes, showing dates of affidavit and order, name of veteran, stipulations of affidavit, and amount of taxes discharged. Arr. chron. by dates of statements and orders. No index. Hdw. 200 pp. 14 x 9 x 2. Attic stor. rm.

460. CERTIFICATES OF REBATE ON MORTGAGE INDEBTEDNESS, 1899-1900. 1 vol.

Receipted stubs of certificates issued by auditor for presentation to treasurer certifying that taxpayers are entitled to rebate on taxes for year 1899 on account of mortgage indebtedness on real estate, showing date and number of certificate, name and address of taxpayer, and amounts of assessed valuation of real estate, mortgage indebtedness and rebate. Arr. num. by certificate nos. No index. Hdw. 320 pp. 15 x 11 x 2. Attic stor. rm.

DUPLICATES

461. TAX DUPLICATE AND DELINQUENT LIST, 1877-1912. 129 vols. (labelled by years).

Record of taxes payable and amounts returned delinquent, showing installment date, names of taxpayer and taxing unit, location and description of lands, lots and improvements, and total amounts current, paid and delinquent. This is a combination of two records formerly kept separately: Tax Duplicate, 1851-76, entry 462; Delinquent List, 1873-76, entry 467. Arr. by names of taxing units, thereunder num. by duplicate nos. No index. Hdw. 375 pp. 17 x 26 x 4. Attic stor. rm.

462. TAX DUPLICATES, 1851-76, 34 vols., (labelled by years). 1877-1912 in Tax Duplicate and Delinquent List, entry 461.

Record compiled annually by auditor of all taxes payable, showing duplicate number, names of taxing unit and taxpayer, location and description of real property, value of lands, improvements and personals, amount of polls, total net value of all taxables, special assessments and exemptions, and amounts paid and due. Arr. by names of taxing units, thereunder num. by duplicate nos. No index. Hdw. 400 pp. 17 x 26 x 24. Attic stor. rm.

463. ROAD TAX LISTS, 1879-1905. 7 vols.

Lists of persons assessed for road tax, showing date of assessment, names of taxing unit and person assessed, location, description and valuation of land, valuation of improvements, total valuation, and amounts of mortgage exemption and tax. Arr. by taxing units, thereunder alph. by names of owners. No index. Hdw. 75 pp. 16 x 10 x 1/2. Attic stor. rm.

464. GRAVEL ROAD TAX DUPLICATES, 1894-95. 2 vols. (2, and 1 vol. not numbered).

Record of assessments against property owners for construction of gravel roads, showing assessment year, name of property owner, amounts of assessment and delinquent tax, and location and description of property. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 160 pp. 18 x 13 x 1 1/2. Attic stor. rm.

465. DITCH ALLOTMENTS ON TAX DUPLICATES, 1936-. 1 f. b.

Reports of amounts to be placed on tax duplicates for clearing ditch allotments, showing dates of report and filing, names of taxpayer, ditch and employee, itemized statement of costs, share and station numbers, length of allotment cleared, and location and description of property. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

DELINQUENT AND ERRONEOUS

466. MORATORIUM, APPEALS FROM THE BOARD OF REVIEW, 1937-. 1 f. b.

Carbon copies of taxpayers' declarations of intent to use twelve installment payment plan for delinquent taxes, showing date of declaration, names of taxpayers, treasurer, and taxing unit, declaration and tax duplicate number, and description of property. Also contains: State Tax Board Reductions Orders. 1937, entry 449. Arr. chron. by dates of declarations. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

467. DELINQUENT LIST, 1873-76. 8 vols. (labelled by years). 1877-1912 in Tax Duplicate and Delinquent List, entry 461.

Record of lands and lots returned delinquent for nonpayment of taxes, showing date of delinquency, names of property owner and taxing unit, location, description, assessed valuation of property, and amounts of delinquency, penalty and interest. Arr. by names of taxing units, thereunder num. by duplicate nos. No index. Hdw. 375 pp. 17 x 26 x 4. Attic stor. rm.

468. RECORD OF DELINQUENT LAND & LOTS, 1848-76. 4 vols. Record of lands and lots returned delinquent for nonpayment of taxes, showing date of delinquency, names of property owner and taxing unit, location, description and valuation of property, amounts of tax, penalty and interest, and total taxes payable. Arr. by taxing units, thereunder alph. by names of property owners. No index. Hdw. 300 pp. 18 x 13 x 2. Attic stor. rm.

469. DELINQUENT TAX STATEMENTS, 1872-74. 1 f. b. Statements of taxes due foreign counties by delinquent taxpayers who have removed to Clay County, submitted by auditors of foreign counties to auditor of Clay County for entry on tax duplicates, showing date of statement, names of taxpayer and foreign county, amounts of tax, penalty and interest, fees and total, and period of delinquency. Arr. chron. by dates of statements. No index. Hdw. 6 x 4 x 9. Attic stor. rm.

470. TAX SALES, 1853-. 6 vols. (3, 3, and 4 vols. not numbered). Register of sales of lands and lots for taxes, showing dates of sale, redemption and deed, names of owner, taxing unit, purchaser and redeemer or grantee, amounts of sale and redemption, certificate and quietus numbers, and location and description of property. Arr. chron. by dates of sales, thereunder by taxing units. No index. Hdw. 200 pp. 17 x 19 x 3. 4 vols., 1853-98, attic stor. rm.; 2 vols., 1899-, aud. off.

For Tax Title Deed Record, see entry 115; Register of Deeds, entry 478.

471. TAX SALE CERTIFICATES, 1858-. 29 f. b. Original certificates of sale of property sold for delinquent taxes, showing dates of sale, certificate, redemption and filing, names of owner and purchaser, amount of sale, certificate and tax duplicate numbers, and location and description of property. Arr. chron. by dates of filing. No index. Hdw. and typed. 26 f. b., 6 x 4 x 9; 3 f. b., 11 x 5 x 14. 26 f. b., 1858-1907, attic stor. rm.; 3 f. b., 1902-, aud. rec. rm.

472. RECORD OF ASSIGNMENTS OF TAX CERTIFICATES, 1831-. 2 vols. (1, 2). Last entry 1927.

Register of assignments of tax sale certificates, on property sold for taxes, showing date of assignment, names of assignor and assignee, and certificate number. Arr. chron. by dates of assignments. Indexed alph. by names of assignors. Hdw. 294 pp. 12 x 18 x 2. Aud. rec. rm.

473. APPLICATION TO REDEEM, 1831-1910. 5 vols. Discontinued.

Stubs of applications to redeem real estate sold for delinquent taxes, showing date of application, names of purchaser and redeemer, application and tax sale certificate numbers, year of sale, amount necessary to redeem, and location and description of property. Arr. num. by application nos. No index. Hdw. 195 pp. 14 x 11 x 1. Attic stor. rm.

474. CERTIFICATES OF REDEMPTION FROM TAX SALE, 1831-1910. 6 vols.

Stubs of certificates of redemption from tax sale issued by auditor upon deposit of treasurer's receipts by redeemers of real estate sold for delinquent taxes, showing date, amount, number and series of redemption certificate, names of redeemer and purchaser, tax sale certificate number, year of sale, and location and description of property. Arr. num. by redemption certificate nos. No index. Hdw. 250 pp. 13 x 11 x 1½. Attic stor. rm.

475. TAX SALE REDEMPTION ORDERS, 1831-92, 1900-1910. 2 vols.

Receipted stubs of auditor's orders to treasurer to disburse funds for redemption of tax sale certificates, showing date, amount and number of order, name of payee, and tax sale certificate number. Arr. num. by order nos. No index. Hdw. 225 pp. 17 x 11 x 1½. Attic stor. rm.

476. [REDEMPTION REGISTER], 1831-1915. 1 vol.

Record of receipts for redemption of real estate sold for delinquent taxes and disbursements therefrom, showing dates of redemption and disbursement, names of owner, purchaser, redeemer and payee, tax sale certificate and order numbers, amount paid by purchaser, and amount of redemption. Arr. chron. by dates of redemption and disbursements. No index. Hdw. 250 pp. 17 x 15 x 1½. Aud. rec. rm.

477. REGISTER OF LANDS & LOTS FORFEITED TO STATE, 1834-86. 1 vol.

Register of lands and lots forfeited to state for lack of bidders at treasurer's delinquent tax sales, showing dates of

entry on tax duplicate, sale and redemption, names of owner, taxing unit and redeemer, amounts of tax, penalty, interest, costs, total delinquency and redemption payment, and location and description of property. Arr. chron. by dates of sales, thereunder by names of owners. No index. Hdw. 225 pp. 18 x 12 x 1½. Attic stor. rm.

478. REGISTER OF DEEDS, 1881-1905. 1 vol. (Discontinued). Register of deeds issued by auditor to purchasers of property sold for delinquent taxes, showing dates of sale and deed, names of person charged with taxes, purchaser and grantee, amount of sale, certificate number, and location and description of property. Arr. chron. by dates of deeds. No index. Hdw. 236 pp. 17 x 11 x 1½. Aud. rec. rm.

For tax title deed records, see entry 115; for tax sales record, see entry 470.

479. REGISTER OF DELINQUENT TAX RECEIPTS [Tax Sale and Redemption Register], 1881-84, 1886-87, 1 vol.

Register of sales and record of receipts and disbursements of funds for redemption of property sold for delinquent taxes, including:

- i. Redemption register, 1881-84, showing information as in entry 476. Arr. chron. by dates of receipts and disbursements.
- ii. Register of sales for delinquent taxes, 1886-87, showing information as in entry 470. Arr. chron. by dates of sales.

No index. Hdw. 500 pp. 14 x 10 x 2. Attic stor. rm.

480. CERTIFICATES OF ERRONEOUS TAXES, 1908-17, 1924-. 8 vols.

Copies and stubs of certificates of erroneous taxes issued by auditor to treasurer for correction of tax duplicates, showing date of certificate, name of taxpayer, location of property, amount and nature of error, and certificate and tax duplicate numbers. Arr. chron. by dates of certificates. No index. Hdw. 300 pp. 10 x 10 x 2. 6 vols., 1908-17, 1924-Mar. 17, 1936, attic stor. rm.; 2 vols., Mar. 18, 1936-, aud. rec. rm.

481. DRAWBACK [Correction Affidavits], 1879-81. 1 vol. Affidavits executed and filed with auditor to obtain certificates of eligibility for correction of tax duplicates by treasurer, showing date and number of affidavit, names of affiant and property owner, and amount of correction. Arr. chron. by dates of affidavits. No index. Hdw. Condition poor. 175 pp. 18 x 18 x 1. Attic stor. rm.

PLATS

482. ASSESSOR'S PLAT BOOK, 1895-. 114 vols. (labelled by townships).

Assessor's plat book, showing date of plat, names of property owner and taxing unit, location and description of property, number on plat, values of land, improvement and total, and plat drawings of property. Arr. chron. by taxing units. Indexed alph. by names of property owners. Hdw. 75 pp. 16 x 11 x 1. 94 vols., 1895-1928, attic stor. rm.; 15 vols., 1929-, aud. rec. rm.

SCHOOL FUNDS

(See also entries 114, 298, 347-355)

483. INVENTORY OF TRUSTS AND SCHOOL FUNDS, 1911-. 1 vol.

Inventory of trust and school funds loaned by Clay County, showing date of inventory and original amount of loan, amount of each fund unpaid and total, date to which interest is paid, amounts of interest due, and of funds represented by forfeited lands, loan number, and volume and page reference to Register of School Fund Trusts and Loans, entry 485. Arr. chron. by dates of inventories. Hdw. No index. 480 pp. 16 x 17 x 2. Aud. off.

484. RECORD OF SCHOOL FUND INTEREST CONTRACTS, 1933-. 1 vol.

Register of school fund interest contracts and record of payments thereon, showing dates and amounts of contract and mortgage, name and address of mortgagor, amounts of installment and payment, contract, school fund loan and treasurer's receipt numbers, dates installments due and paid, date of final payment, and volume and page reference to Register of School Fund Trusts and Loans, entry 485. Arr. num. by school fund loan nos. Indexed alph. by names of mortgagors. Hdw. 428 pp. 16 x 12 x 2. Aud. off.

485. REGISTER OF SCHOOL FUND TRUSTS AND LOANS, 1835-. 4 vols. (1 vol. not numbered, 2, 1, 2).

Register of school and trust fund loans, showing dates of mortgage and recording, name and address of mortgagor, location, description, appraised and assessed valuation of property, nature of loan, amount of mortgage, dates and amounts of interest and principal payment due, and paid, loan and treasurer's receipt numbers, date of satisfaction or foreclosure, and volume and page reference to Mortgage Record, entry 122. Also contains: [Readjustment of Congressional Township Princi-

pal Fund], 1877-, entry 486; [List of Lands Sold on Certificates of Purchase], 1841-61, entry 500. 1835-62, arr. alph. by names of mortgagors; 1863-, arr. num. by loan nos. 1835-62, no index; 1863-, indexed alph. by names of mortgagors.

486. [READJUSTMENT OF CONGRESSIONAL TOWNSHIP PRINCIPAL FUND], 1877-. In [Register of School Fund Trusts and Loans], entry 485.

Schedules of readjustment of congressional township principal fund, showing date of readjustment, names of taxing unit, amounts distributed, and total. Arr. chron. by dates of readjustments.

487. RECORD OF CONDITIONS, DISTRIBUTIONS AND READJUSTMENTS OF SCHOOL FUNDS, 1912-18. 1 vol. Discontinued.

Record of monthly statements of condition of common school, Congressional township, and permanent endowment funds, 1912-13, statements of distribution of revenue of Congressional township, liquor license, and common school funds, 1912-13, and statements of readjustment of Congressional township funds, 1912-18, showing date of statement and itemized statement of condition and distribution or readjustment of funds. Arr. by types of statements, thereunder chron. by dates of statements. No index. Hdw. 192 pp. 17 x 17 x 1½. Attic stor. rm.

488. OLD SCHOOL FUND REPORTS, 1878-1918. 1 f. b.

Triplicate copies of reports of funds of Congressional townships divided by county lines, submitted by auditor to auditor of foreign county, showing date of report, name of foreign county, amount of fund managed by county, number of children in township, and township and range numbers. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

489. RECEIPTS AND DISBURSEMENTS S[chool] F[und] PRINCIPAL, 1880-1905. 1 vol. 1906-10 in Record of Receipts and Disbursements County Funds, entry 383.

Register of receipts and disbursements of school fund principal, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total receipts and disbursements and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 200 pp. 17 x 16 x 1½. Attic stor. rm.

490. RECEIPTS AND DISBURSEMENTS S[chool] F[und] INTEREST, 1880-1904. 1 vol. 1905- in Record of Receipts and Disbursements County Funds, entry 383.

Register of receipts and disbursements of school fund interest, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, total re-

ceipts and disbursements, and balance. Arr. chron. by dates of receipts and disbursements. No index. Hdw. 200 pp. 17 x 16 x 1½. Attic stor. rm.

491. JOURNAL, TRUST FUND, 1851-68. 1 vol.

Journal of trust fund receipts and disbursements, showing date and amount of receipt or disbursement, names of payer or payee and fund, receipt or order number, source of receipt, and total receipts and disbursements. Arr. by names of funds, thereunder by dates of receipts and disbursements. No index. Hdw. 400 pp. 16 x 11 x 2. Attic stor. rm.

492. LEDGER, TRUST FUND, 1851-70. 1 vol.

Ledger of trust and tuition fund receipts and disbursements, showing date and amount of receipt or disbursement, name of fund, source of receipt and nature of disbursement, and total receipts and disbursements. Arr. by years, thereunder chron. by dates of receipts and disbursements. No index. Hdw. 400 pp. 16 x 11 x 2. Aud. rec. rm.

493. REGISTER OF RECEIPTS OF TRUST FUNDS, 1851-81. 2 vols.

Register of trust fund payments received by treasurer, showing date, amount and nature of payment, names of payer and fund, and receipt number. Arr. chron. by dates of receipts. No index. Hdw. 300 pp. 16 x 12 x 2. Attic stor. rm.

494. TRUST FUND ORDERS, 1873-1910. 2 vols.

Receipted stubs of auditors' warrants disbursing common and Congressional school fund interest and principal, showing date, amount and number of order, name of payee, and nature of disbursement. Arr. num. by order nos. No index. Hdw. 160 pp. 16 x 14 x 1. Attic stor. rm.

495. [REGISTER OF TRUST FUND ORDERS], 1852-80. 1 vol.

Discontinued.

Register of auditors' orders drawn on treasurer to disburse trust funds, showing date, amount, and number of order, name of payee, and nature of payment. Arr. chron. by dates of orders. No index. Hdw. Condition poor. 200 pp. 16 x 11 x 2. Attic stor. rm.

496. SCHOOL CLAIMS, 1911-26, 1930-. 4 cartons, 1 bdl.,

3 f. b. Title varies: School Reports.

Carbon copies of warrants drawn on treasurer for payment of school fund claims, showing date of warrant, names of payee and fund, amount of warrant, and claim and warrant numbers. Arr. chron. by dates of warrants. No index. Hdw. Cartons, 20 x 12 x 9; bdl., 12 x 9 x 7; f. b. 11 x 5 x 14. 4 cartons, 1 bdl., 1911-26, attic stor. rm.; 3 f. b., 1930-, aud. rec. rm.

497. APPLICATIONS TO PAY SCHOOL FUNDS, 1864-1911. 10 vols. Stubs of applications to pay school funds into treasury issued by auditor and presented to treasurer, showing date and number of application, name of payer, and amount and nature of payment. Arr. num. by application nos. No index. 250 pp. 16 x 11 x 1½. Attic stor. rm.

For subsequent records, see entry 411.

498. QUIETUS SCHOOL FUND, [Principal], 1890-1911. 5 vols. Stubs of school fund quietuses issued by auditor upon presentation of treasurer's receipts, showing date, amount and number of quietus, name of payer, and nature of payment. Arr. num. by quietus nos. No index. Hdw. 250 pp. 16 x 11 x 1½. Attic stor. rm.

For subsequent record, see entry 416.

499. QUIETUS SCHOOL FUND [Interest] 1885-1911. 6 vols. Stubs of school fund interest quietuses issued by auditor upon presentation of treasurer's receipts, showing date, amount and number of quietus, name of payer, and interest period. Arr. num. by quietus nos. No index. Hdw. 250 pp. 16 x 11 x 1½. Attic stor. rm.

For subsequent records, see entry 416.

500. [LIST OF LANDS SOLD ON CERTIFICATES OF PURCHASE], 1841-61. In [Register of School Fund Trust and Loans], entry 485. Discontinued.

List of lands sold on certificates of purchase, showing date of purchase, date and amount of payments, name of purchaser, location and description of property, amount due, and tax sale certificate number.

501. [RECORD OF SALE OF SWAMPLANDS], 1853-61, 1879-94. 1 vol.

Record of payments received by treasurer from sale of state swamplands, 1853-61, showing dates and amounts of receipt and sale, name of purchaser, and location and description of lands. Also contains: Auditor's Fee and Cash Book, 1879-94, entry 379. Arr. chron. by dates of sales. No index. Hdw. 120 pp. 13 x 8 x 1. Attic stor. rm.

502. TRUST FUND DEED RECORD, 1863-91. 1 vol.

Record of auditor's deeds executed to purchasers of property sold for nonpayment of school fund loans, showing dates of deed, execution and sale, names of grantor, grantee and witnesses, amounts of mortgage and sale, and location and description of property. Arr. chron. by dates of deeds. No index. Hdw. 200 pp. 18 x 12 x 1. Attic stor. rm.

OFFICIAL BONDS

(See also entries 47,54)

503. BOND RECORD [Official], 1868-. 5 vols. (1 vol. not numbered, 2, 3, 1, 2). Title varies: Trustee Bond Record, 1880-1911; School Trustees Bond, 1889-1914.

Original and transcripts of bonds posted by county and township officials, showing dates of bond, approval and recording, names of official and sureties, amount and conditions of bond, and title and term of office. Also contains: Retailer's Bond Record, 1915-17, entry 14; [Depository Bonds], 1922-30, entry 297; School Trustees' Bonds, 1921-, entry 504. Township Trustee an[d] Assessors Bonds and Certificates of Election, 1920-, entry 507. 1868-1921, arr. chron. by dates of recording; 1922-, arr. by types of bond, thereunder chron. by dates of recording. 1868-1921, indexed alph. by names of officials; 1922-, no index. Hdw. and typed. 500 pp. 16 x 12 x 2½. Aud. rec. rm.

504. SCHOOL TRUSTEES' BONDS, 1872-96, 1899-1920. 6 f.b. 1921-, in Bond Record [Official], entry 503.

Original bonds posted by township school trustees, showing date, amount, kind and conditions of bond, name of trustee, sureties and township, and date of filing. Arr. chron. by dates of filing. No index. Hdw. and typed. 5 f.b., 6 x 4 x 9; 1 f.b., 11 x 5 x 14. 5 f.b., 1872-96, attic stor. rm.; 1 f.b., 1899-1920, aud. rec. rm.

505. ASSESSOR'S BOND, 1886-1904. 1 vol.

Record of fidelity bonds posted by township assessors for faithful performance of duties, showing dates of bond, approval and recording, name of assessor and sureties, and amount and conditions of bond. Arr. alph. by names of assessor. No index. Hdw. 400 pp. 16 x 12 x 1½. Attic stor. rm.

506. DEPUTY ASSESSOR'S BONDS, 1892. 1 vol.

Record of indemnity bonds posted by deputy assessors for faithful performance of duties, showing dates of bond, approval and recording, name of assessor and sureties, and terms and amount of bond. Arr. alph. by names of assessor. No index. Hdw. 800 pp. 16 x 12 x 1½. Attic stor. rm.

507. TOWNSHIP TRUSTEES AN[D] ASSESSORS BONDS AND CERTIFICATES OF ELECTIONS, 1904-19. 1 f. b. 1920-, in Bond Record [Official], entry 503.

Original bonds posted by township trustees and assessors, showing date, kind, amount and conditions of bond, names of principal and sureties, and date of filing. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

508. OFFICIAL BONDS, 1891-1902, 1908-. 3 f. b.

Original bonds posted by road supervisors and assistant road supervisors, showing dates of bond and filing, name and address of supervisor, names of sureties, amount, number and conditions of bond, and term of office. Arr. chron. by dates of filing. No index. Hdw. and typed. 1 f. b., 6 x 4 x 9; 2 f. b., 11 x 5 x 14. 1 f. b., 1891-1902, attic stor. rm.; 2 f. b., 1908-, aud. rec. rm.

MISCELLANEOUS

509. COUNTY WELFARE BOARD, 1936-. 1 f. b.

Instruments pertaining to county board of public welfare, including appointments of members and county director, members' oaths of acceptance, notices of filing appointment, bond and oath, authorizations to administer oaths, revocations of authorizations, certification of county council's action on budget estimate, notices of reimbursement for personal services, memorandum of unexpended appropriations available to county department of public welfare, requisitions to board of commissioners for equipment, reports of repayment of old-age assistance awards, lists of persons from whom old-age assistance was withdrawn, and list of persons receiving old-age assistance under terms of Act of 1933, showing dates of instrument and filing, names of principals, and nature of instrument. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

For other welfare records, see entries 425-427, 619-629.

510. DEPUTY ASSESSORS' APPOINTMENTS, 1907-22, 1926-. 2 f. b.

Original certificates of appointment of deputy assessors in each township, showing dates of certificate and filing, names of deputy and township, and term of appointment. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

511. ALCOHOLIC BEVERAGE BOARD, 1935. 1 f. b.

Certificates of appointment to local alcoholic beverage board, showing dates of certificate and filing, name and qualifications of appointee, and term of office. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

512. [TOWNSHIP TRUSTEES' PROCEEDINGS], 1879-93. In Auditor's Fee and Cash Book, entry 379.

Minutes of meetings of township trustees for purpose of electing county school superintendents, showing date of meeting, names of trustees present, and action taken. Arr. chron. by dates of meetings. No index.

513. INDIGENT PERSONS TO STATE HOSPITAL, 1922-. 1 f. b. Affidavits of township trustees certifying eligibility of indigent persons to state hospitals, showing dates of affidavit and filing, names of applicant, trustee and hospital, duration of applicant's residence in state, and trustee's agreement to provide return transportation for applicant. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

514. ENUMERATION OF WHITE AND COLORED MALES OVER THE AGE OF 21, 1883-. 121 vols.

Sexennial enumeration of white and colored male inhabitants of Clay County over the age of 21 years, showing register number, and name, age, address and color of male. Arr. by twps., thereunder alph. by names of males. No index. Hdw. 600 pp. 9 x 18 x 1/2. 107 vols., 1883-1936, attic stor. rm.; 14 vols., 1937-, aud. rec. rm.

515. [KENNEL LICENSE], 1937-. 2 vols.

Duplicates of kennel licenses issued by assessor and auditor, showing date of issue, license number, amount of fee paid, name and address of licensee, type of kennel, and number and breed of dogs kept. Arr. num. by license nos. No index. Hdw. 25 pp. 6 x 8 x 1/2. Aud. off.

516. WORKMEN'S COMPENSATION ON ALL CONTRACTS ETC., 1923. 1 f. b.

Statements issued by employers certifying that they carry compensation insurance coverage, and certificates of employers' compliance with Indiana workmen's compensation act issued by industrial board of Indiana, showing dates of statement, certificate, approval and filing, name of employer, name and address of insurance company, policy number, and conditions of statement and certificate. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

517. LOCAL OPTION ELECTION PAPERS, 1909-16. 1 f. b.

Original instruments pertaining to local option elections, including petitions, proofs of publication, receipts for ballots and supplies, tally sheets, appointments of election board members and canvassers, sheriffs' returns, and canvassers' sheets, showing dates of instrument, election and filing, names of petitioners and board members, and results of election. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Aud. rec. rm.

518. [COUNTY HIGHWAY SUPERVISOR'S REQUISITION], 1935, 1937. 1 vol.

Copies of requisitions submitted to auditor by highway super-

visor for materials and supplies, showing date and number of requisition, date of delivery, and quantity and description of materials and supplies. Arr. chron. by dates of requisitions. No index. Typed. 4 pp. 9 x 12 x 1/2. Aud. rec. rm.

519. STATISTICAL BOOK, 1885, 1912-24. 60 vols. (labelled by years). Discontinued.

Statistical statements of farm acreages and livestock compiled annually by township assessors and filed with auditor for report to bureau of statistics, showing date of statement, names of farmer, assessor and township, and statistical statement of farm acreage and livestock. Arr. alph. by names of farmers. No index. Hdw. 128 pp. 16 x 15 x 1/2. Attic stor. rm.

MAPS

520. CLAY COUNTY, 1928. 1 map.

Map of Clay County, showing date of map, location of concrete, brick, and gravel state and U. S. roads, and location of concrete, brick, and improved county dirt roads. Drawn by E. J. Shawmicker of Brazil, Ind. Blueprint. Scale: 1 1/2" to 1 mi. 30 x 52. Comr. ct. rm.

521. CLAY COUNTY, 1915. 1 map.

Communication map, showing date of map, names and location of churches, schools, roads, townships, towns, railroads, electric lines and creeks, and names and numbers of property owners. Drawn and published by *Brazil News and Democrat*, Brazil. Colored and mounted. Scale: 1 1/2" to 1 mi. 32 x 45. Aud. rec. rm.

522. CITY OF BRAZIL, 1915. 1 map.

Communication map, showing date of map and location of city boundary lines, streets, alleys, public buildings, parks, cemeteries and large industrial and commercial enterprises. Drawn and published by *Brazil News and Democrat*, Brazil. Colored and mounted. Scale: 300' to 1". 32 x 45. Aud. rec. rm.

XVI. REGISTRATION OFFICER

The clerk of the circuit court serves *ex officio* as the registration officer of Clay County by authority of an act of 1933. The registration officer may appoint as many deputy registration officers for the county as may be necessary. They shall take an oath administered by the clerk of the cir-

cuit court before entering upon the discharge of their duties; they are to receive a certificate of appointment which they will always keep with them when about their official duties. These deputies are to be selected, as nearly as practicable, in equal numbers, from the two major political parties.¹

The constitution of 1851 prescribes the qualifications of voters² and the amendments of 1881 and 1926 enjoined the general assembly to provide for the registration of all persons entitled to vote.³ Various laws for registration have been enacted: An act of 1867, establishing a township board of registry,⁴ was repealed in 1869;⁵ acts of 1889⁶ and 1891,⁷ providing for registration in the office of the clerk of the circuit court, were declared unconstitutional in 1890⁸ and 1896,⁹ respectively; an act of 1911, providing for a precinct registration board,¹⁰ was repealed in 1917.¹¹ An act of 1917 created a board of registration commissioners, generally called the registration board, and consisting of the clerk of the circuit court and two qualified electors appointed by him, one from each of the major political parties;¹² it was repealed in 1919,¹³ and was succeeded by an act creating precinct boards.¹⁴ An amendatory act of 1925 created a registration board, consisting of the auditor and a person of opposite political faith, appointed by him.¹⁵ In 1927, the 1919 act and all subsequent acts were repealed.¹⁶ Until the present system was established by an act of 1933, amended in 1935,¹⁷ there was no registration system.

¹ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

² Const., art. 2, sec. 2 (as amended 1881).

³ *Ibid.*, sec. 14 (as amended, 1881, 1926).

⁴ Acts 1867, ch. 51, sec. 2.

⁵ Acts 1869 (Spec. Sess), ch. 31, sec. 1.

⁶ Acts 1889, ch. 87, sec. 13.

⁷ Acts 1891, ch. 144, sec. 1.

⁸ 125 Ind. 281.

⁹ 144 Ind. 423.

¹⁰ Acts 1911, ch. 150, secs. 3-15.

¹¹ Acts 1917, ch. 139, sec. 47.

¹² *Ibid.*, sec. 4.

¹³ Acts 1919, ch. 150, sec. 1.

¹⁴ *Ibid.*, ch. 186, sec. 4.

¹⁵ Acts 1925, ch. 138, sec. 1.

¹⁶ Acts 1927, ch. 195, sec. 1.

¹⁷ Acts 1933, 1935; Burns, 1939 suppl., 29-306; Baldwin, 1935 suppl., 7304.

Registration of all voters is a requirement for voting at all general, primary, and special elections in which all qualified voters of the state may participate and must be made 29 days prior to general and primary elections.¹⁸ The registration officer has full charge and control of the registration of the voters and provides all the necessary books and supplies.¹⁹

The official registration books consist of the original affidavits of registration, fastened in binders,²⁰ and constitute a permanent registration record.²¹ If the registration books of any precinct are destroyed or mutilated, or are inaccessible, a reregistration is had upon determination by the board of commissioners of the county.²² The clerk provides typewritten or photostatic copies of the registration list, for each precinct in the county, not later than ten days before the election. These are for the election officials and party heads, and may be publicly inspected at the office of the clerk.²³

Voters need not register a second time, as long as they continue to reside in the same county; however, failure to vote in any two-year period automatically cancels the elector's registration, and he must apply for a reinstatement of registration before he may vote.²⁴ It is the duty of the clerk of the circuit court or registration officer to continually check the registration lists for deceased and disfranchised voters. Lists of deceased voters are obtained from local health officers,²⁵ and the clerk prepares a list of all voters disfranchised.²⁶ When a voter moves from one county to another, he is required to register in the new county, and the clerk cancels the former registration for the voter.²⁷ The clerk notifies a voter whenever the voter's registration has been

¹⁸ Acts 1933; Burns 29-301, 29-307; Baldwin 7299, 7305. Acts 1933, 1935; Burns, 1939 suppl., 29-336; Baldwin, 1935 suppl., 7334.

¹⁹ Acts 1933; Burns 29-309; Baldwin 7307.

²⁰ Acts 1933, 1935; Burns, 1939 suppl., 29-313; Baldwin, 1935 suppl., 7311. Acts 1933; Burns 29-316; Baldwin 7314.

²¹ Acts 1933; Burns 29-302; Baldwin 7300.

²² Acts 1933; Burns 29-304; Baldwin 7302.

²³ Acts 1933, 1935; Burns, 1939 suppl., 29-317; Baldwin, 1935 suppl., 7315.

²⁴ Acts 1933; Burns 29-303, 29-320; 7301, 7318.

²⁵ Acts 1933; Burns 29-321; Baldwin 7319.

²⁶ Acts 1933; Burns 29-322; Baldwin 7320.

²⁷ Acts 1933, 1935; Burns, 1939 suppl., 29-314; Baldwin, 1935 suppl., 7312. Acts 1933; Burns 29-326; Baldwin 7324.

challenged, and the clerk cancels the registration if he does not receive a sworn statement from the voter certifying that he (the voter) is qualified to vote as stated.²⁸

The expense of the preparation of registration is paid out of the general fund of the county treasury, authorized by the county commissioners, in the same manner as election expenses are paid and the expenses of preparing lists of registered voters for use in city elections are paid by the city.²⁹

All forms, blanks, records, and other supplies used in the registration of voters are prescribed by the state board of election commissioners for the purpose of uniformity in the registration records of the state.³⁰

523. [MASTER FILE], 1934-. 156 f. trays.

Affidavits of registration of voters, showing date of affidavits, name, age, sex, address, place of birth and registration number of voter, length of voter's residence in township and precinct, names of registration officer, witnesses and township, and precinct and ward numbers. Arr. alph. by names of voters. No index. Hdw. and typed. $\frac{1}{2}$ x 9 x 26. Clk. off.

524. [PRECINCT BINDERS], 1934-. 55 vols.

Original registration affidavits of voters, showing date of affidavit, name, age, sex, address, place of birth and registration number of voter, and duration of voter's residence in township and precinct, name of registration officer, witnesses and township, and precinct and ward numbers. Arr. by precincts, thereunder num. by house nos. of voters. No index. Hdw. and typed. 300 pp. 5 x 9 x 3. Clk. off.

525. TRANSFERS, 1934-. 1 carton.

Card record of voters' change of address, showing dates of change of address and filing, name of voter, old and new addresses, ward number or name of township, and transfer number. Arr. chron. by dates of filing. No index. Hdw. and typed. 16 x 10 x 4. Clk. off.

526. CANCELLATIONS, 1934-. 1 vol., 1 f.d.

Original registration cards of voters removed from precinct binders and master file as no longer eligible to vote because of death, removal from county or failure to vote in last two years, showing dates of registration and cancellation of eligibility, name and address of disqualified voter, and precinct

²⁸ Acts 1933; Burns 29-325; Baldwin 7323.

²⁹ Acts 1933; Burns 29-305; Baldwin 7303.

³⁰ Acts 1933; Burns 29-334; Baldwin 7332.

ward and registration numbers. Arr. alph. by names of voters. No index. Typed. Vol. 300 pp. 5 x 9 x 3; f.d., 6 x 8 x 16. Clk. off.

527. CANCELLATION SLIPS, 1938. 1 carton, 1 f. b.

Original authorizations for cancellation of registration of voters, showing dates of authorization and filing, name of voter, and former and present addresses. Arr. chron. by dates of filing. No index. Hdw. Carton, 6 x 9 x 4; f.b. 11 x 5 x 14. Clk. off.

528. REGISTRATION BOOKS, 1917. 94 vols.

Register of voters in various precincts of county, showing application and precinct number, name of township, date of registration, name, age, and address of voter, and eligibility according to length of residence. Arr. num. by application numbers. Indexed alph. by names of voters. Hdw. 35 pp. 17 x 14 x 1/2. Sher. rec. rm.

529. INTENTION TO BECOME ELECTOR, 1890-92. 1 vol. Discontinued.

Register of intention to become a qualified elector, showing date of notice, name, age, and address of elector, name of township, town or city, and ward and precinct numbers. Arr. alph. by names of electors, thereunder chron. by dates of notices. No index. Hdw. 400 pp. 18 x 12 x 2. Clk. rec. rm.

XVII. BOARD OF PRIMARY ELECTION COMMISSIONERS

The board of primary election commissioners of Clay County was established by acts of 1907¹ and 1915, and subsequent amendatory acts. The members are the clerk of the circuit court and two persons appointed by him, one from each of the major political parties, nominated by the respective chairmen of the county committees of the parties. The primary election commissioners serve as election commissioners at the election for which nominations by the primary are made.² Each of these commissioners is allowed \$125 for his services at any primary election.³

Prior to 1907 nominations had been strictly a party affair. At first, candidates were proposed by a mass meeting,

¹ Acts 1907, ch. 282, secs. 1, 13.

² Acts 1915, 1917; Burns 29-504; Baldwin 7190.

³ Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

or by an informed caucus which might be a meeting, either of all the voters of the party in the precinct (township) or of party members interested sufficiently to attend (county and state). Out of the latter developed the party convention—an assembly of official delegates; these delegates were chosen by party officials such as precinct committeemen or county or district chairmen, as the case might be.⁴

Indiana was one of the first states to adopt the primary election as a means of choosing candidates. The law of 1889, which instituted the Australian ballot system, recognized the right of the party to hold a primary, which was under the control of the chairman who certified the names of the nominees to the county board of election commissioners.⁵

An act of 1901, mandatory upon all parties casting ten percent of the total vote at the preceding general election, provided for the organization of political parties and the holding of two primary elections: One for precinct committeemen, and one for direct nomination of candidates or for election of delegates to a nominating convention. The precinct committeemen, elected at the first primary, determined whether the party candidates should be nominated at a primary election or by a delegate convention. If a primary election was decided upon, the party chairman fixed the date and turned over the names of candidates, proposed by petition, to the county board of election commissioners which prepared the primary ballot. Returns were made to the party board of primary election commissioners which declared the nominees of the party and the chairman certified their names to the county board of election commissioners.⁶

The act of 1907 prescribed a compulsory direct primary election, under the supervision of a county board of primary election commissioners, for the nomination of party candidates for all county and township offices. This board consisted of the same membership as at present and its members acted as election commissioners at the general election. This primary election included all parties casting a ten percent vote as in 1901, and was conducted by bipartisan precinct election boards paid from county funds.⁷

⁴ Alma Sickler Bender, *Why Go Back? . . . from the Direct Primary to the Convention System* . . . , 21.

⁵ Acts 1889, ch. 87, secs. 17, 18, 26.

⁶ Acts 1901, ch. 219; secs. 1-4, 6-11, 25.

⁷ Acts 1907, ch. 282, secs. 1, 2, 6, 10-15, 22, 57.

The present primary law incorporates both the nomination of candidates and the election of precinct committeemen and convention delegates in one primary election held at the same time and place and is mandatory on all political parties casting ten percent of the total vote for secretary of state at the last preceding general election.⁸ The board of primary election commissioners of Clay County supervises primary elections: It prints and distributes the ballots,⁹ appoints the precinct election boards upon nomination by the county chairman of each of the two major political parties,¹⁰ and arranges the names of the candidates on the ballots.¹¹ At all primaries the Australian ballot is used, made up of the tickets of the several parties qualified for participation in the election, each party having a separate ticket printed on different colored paper, but uniform in size.¹² Declarations of candidacy are filed with or certified to the clerk of the circuit court, who is a member of the board.¹³ All expenses of the primary are paid from public funds.¹⁴ Candidates of the major political parties for all offices—including city, since 1933—except those to be voted upon by all the electors of the state, are nominated at the primary.¹⁵ The statutes governing general elections apply to all primaries.¹⁶

Papers of primary election matters are filed in the office of the clerk of the circuit court (a member of the board of primary election commissioners); they are usually destroyed after a reasonable time.¹⁷

⁸ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1915, 1917, 1925; Burns 29-512; Baldwin 7197.

⁹ Acts 1915, 1917; Burns 29-504; Baldwin 7190.

¹⁰ Acts 1915; Burns 29-505; Baldwin 7191. Acts 1915, 1917; Burns 29-507; Baldwin 7193. Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

¹¹ Acts 1915, 1937; Burns, 1939 suppl., 29-515; Baldwin, 1937 suppl., 7201.

¹² Acts 1915, 1917; Burns 29-504, 29-514; Baldwin 7190, 7200.

¹³ Acts 1915, 1917, 1933, 1935; Burns, 1939 suppl., 29-513; Baldwin, 1935 suppl., 7199. Acts 1915, 1931, 1935; Burns, 1939 suppl., 29-516; Baldwin, 1935 suppl., 7202.

¹⁴ Acts 1915; Burns 29-534; Baldwin 7220. Acts 1933; Burns 29-1805; Baldwin 11637.

¹⁵ Acts 1915; Burns 29-501; Baldwin 7187. Acts 1933; Burns 29-1807; Baldwin 11639.

¹⁶ Acts 1915; Burns 29-556, 29-559; Baldwin 7242, 7244.

¹⁷ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447.

530. [MINUTES OF MEETINGS OF BOARD OF PRIMARY ELECTION COMMISSIONERS], 1914-. In Record of Elections, entry 537.

Minutes of meetings of primary election commissioners with sample of primary ballot attached, showing date, place, and time of meeting, names of members present, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index.

531. [RECORD OF PRIMARY ELECTIONS], 1914-. In Record of Elections, entry 537.

Record of ballots furnished, distributed, and destroyed in primary elections, showing dates of election and certification, names of township, inspectors and ballot commissioners, ward and precinct numbers, number of ballots distributed to each precinct, total number of ballots distributed and destroyed, and certification of commissioners. Arr. chron. by dates of elections. No index.

532. [ABSENT VOTERS RECORD, PRIMARY ELECTION], 1938-. In [Absent Voters Record], entry 539.

Record of absent voters' applications and ballots and certification of board of primary election commissioners, showing dates of application, mailing and return of ballot, name of elector, address to which ballot was mailed, kind and year of election, name of township, precinct and ward numbers, total number of ballots mailed and marked, and certification to inspector of precinct.

XVIII. COUNTY BOARD OF CANVASSERS

The board of canvassers of Clay County, consisting of the election commissioners, was established by an act of 1905.¹ The board elects its own chairman and the clerk of the circuit court acts as its clerk.²

Prior to 1843 the canvass of votes was made by the clerk of the circuit court in the presence of all the election judges who attended from the several townships.³ The board of canvassers, established in 1843, consisted of the inspectors from the several townships, the clerk of the circuit court acting as clerk. This board existed until 1905.⁴

¹ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

² Acts 1905; Burns 29-1402; Baldwin 7378.

³ Acts 1817-18 (general), ch. 15, sec. 12. Rev. Laws 1831, ch. 32, sec. 12.

⁴ Rev. Stat. 1843, ch. 5, secs. 45-47. 1 Rev. Stat. 1852, ch. 31, secs. 31-33.

The canvass of votes in primary⁵ and special⁶ elections, including votes cast for city⁷ and township officers,⁸ is made in the same manner as in the general election.

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all processes in county elections and obeys all orders of the board.⁹

The members of the board are required to assemble at six p.m., on the day of each election, in the circuit court room to canvass and estimate the certificates, poll lists, and tally papers returned by the election inspectors;¹⁰ to aggregate and tabulate therefrom the votes of the county; and to declare in a certified statement the candidates elected in the county.¹¹

The ballots cast in all primary and general elections, together with all uncast ballots, are sealed in an envelope or bag by the inspector in the presence of the judges and clerks and delivered by him to the clerk of the circuit court who holds them subject to the demand of the judge of any circuit or superior court of the state. In event of suit to contest the election, the judge orders a recount. If no litigation arises, at the end of six months the clerk of the circuit court must destroy the ballots.¹²

The certificates, together with a statement of all votes tabulated, canvass sheets, poll books, and tally papers, are delivered to the clerk of the circuit court and filed and preserved by him in his office, open to the inspection of any legal voter. These are destroyed after a reasonable time.¹³

⁵ Acts 1915, 1917; Burns 29-525; Baldwin 7211. Acts 1915; Burns 29-560; Baldwin 7245. Acts 1933; Burns 29-1807; Baldwin 11639.

⁶ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249.

⁷ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1803; Baldwin 11635.

⁸ Acts 1933; Burns 29-1903; Baldwin 7252.

⁹ Acts 1905; Burns 29-1403; Baldwin 7384.

¹⁰ Acts 1905, 1927; Burns 29-1401; Baldwin 7377.

¹¹ Acts 1905; Burns 29-1404, 29-1405; Baldwin 7380, 7381.

¹² Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1881 (Spec. Sess.); Burns 29-2101; Baldwin 7388.

¹³ Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1905; Burns 29-1404; Baldwin 7380.

533. [GENERAL ELECTION RETURNS], 1890-. In Record of Elections, entry 537.

Record of number of votes cast in general elections, showing date of election, names of candidates and offices, number of votes cast for each candidate, total number of votes cast, and certification by board of canvassers. Arr. chron. by dates of elections. No index.

534. [PRIMARY ELECTION RETURNS], 1914-. In Record of Elections, entry 537.

Record of number of votes cast in primary elections, showing date of election, names of candidates and offices, number of votes cast, and certification by board of canvassers. Arr. chron. by dates of elections. No index.

535. [CERTIFICATES OF ELECTION], 1897-. In Record of Elections, entry 537. 1860-96, also 1897-1914 in Miscellaneous [Instruments], entry 58.

Record of certificates of election of successful candidates, showing dates of election, certificate and filing, names of official and office, length of term, and names of township. Arr. chron. by dates of filing. No index.

XIX. COUNTY BOARD OF ELECTION COMMISSIONERS

The board of election commissioners of Clay County was established by an act of 1889. The board consists of the clerk of the circuit court, and two persons appointed by him, one from each of the major political parties, who have been nominated by the respective chairmen of the county committees of the parties.¹ Each of these commissioners is allowed \$125 for his services at any general or special election.²

Prior to 1889 there was little centralized county control over elections. The first election's unit was the township, which, as the population increased, was divided into precincts. Such supervision as was necessary beyond the local unit was performed by various county officers.

At the organization of Clay County in the spring of 1825, the board of county commissioners laid off the townships,³ appointed an inspector of elections in each,⁴ and the sheriff

¹ Acts 1889; Burns 29-1002; Baldwin 7109.

² Acts 1935; Burns, 1939 suppl., 29-1014; Baldwin, 1935 suppl., 7109-1.

³ Acts 1817-18 (general), ch. 17, sec. 2. Acts 1825, ch. 15.

⁴ Acts 1817-18 (general), ch. 15, sec. 1; ch. 17, sec. 3.

delivered to the inspectors blank forms of poll books and election returns ten days before the election.⁵ After 1831 the inspectors were elected by the voters of the township;⁶ and after 1852 the clerk of the circuit court certified to the sheriff what officers were to be elected. The sheriff posted a copy of this certificate at the usual places of holding elections, published it in some newspaper of the county, and delivered a copy to each township clerk⁷ or trustee.⁸ The board of county commissioners designated the precincts,⁹ and furnished supplies (including ballot boxes but not ballots)¹⁰—after 1881 the auditor furnished printed forms¹¹ and the commissioners, the ballot boxes.¹² Each voter furnished his own ballot, which might be written or printed.¹³ The township trustee (from 1853 to 1859, the president of the board of township trustees)¹⁴ served *ex officio* as inspector of elections¹⁵ in the precinct in which he resided,¹⁶ and the board of county commissioners appointed inspectors in all additional precincts.¹⁷ The precinct election board was composed of the inspector, judges, and clerks; the judges were appointed by the inspector and the clerks by the inspector and judges.¹⁸ After 1881 they were chosen from the political parties casting the highest number of votes in the last preceding general election.¹⁹

Indiana, in 1889, was one of the first states to adopt the Australian ballot—an official ballot printed at public expense by public officers and distributed at the polls by the election officers. The board of election commissioners was

⁵ Acts 1817-18 (general), ch. 15, secs. 1, 18.

⁶ Rev. Laws 1831, ch. 20, sec. 20.

⁷ 1 Rev. Stat. 1852, ch. 31, sec. 2.

⁸ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

⁹ 1 Rev. Stat. 1852, ch. 31, sec. 3. Acts 1881 (Spec. Sess.), ch. 47, sec. 8.

¹⁰ 1 Rev. Stat. 1852, ch. 31, secs. 11, 12.

¹¹ Acts 1881 (Spec. Sess.), ch. 47, sec. 13.

¹² *Ibid.*, sec. 18.

¹³ Acts 1817-18 (general), ch. 15, sec. 8. 1 Rev. Stat. 1852, ch. 31, sec. 17. Acts 188, (Spec. Sess.), ch. 47, sec. 23.

¹⁴ 1 Rev. Stat. 1852, ch. 31, sec. 3.

¹⁵ Acts 1859; Burns 65-105; Baldwin 16065.

¹⁶ Acts 1881 (Spec. Sess.), ch. 47, sec. 10.

¹⁷ 1 Rev. Stat. 1852, ch. 31, sec. 4.

¹⁸ Acts 1817-18 (general), ch. 15, sec. 2. 1 Rev. Stat. 1852, ch. 31, sec. 4.

¹⁹ Acts 1881 (Spec. Sess.), ch. 47, secs. 11, 12.

established to prepare, print, and distribute the ballots and otherwise administer the election laws in the county.²⁰

The constitution fixes the date of general elections as the Tuesday next after the first Monday in November,²¹ and an act of the general assembly provides that they be conducted biennially.²² The sheriff gives notice to electors by posting at the usual polling places a copy of the certificate from the clerk of the circuit court stating what officers are to be elected.²³ The constitution further provides that all elections by the people must be by ballot,²⁴ or voting machines,²⁵ which are provided by the board of county commissioners.²⁶

The board of county commissioners establishes the precincts²⁷ and provides all polling places and ballot boxes²⁸ and the auditor furnishes blank poll books and other forms to the inspectors.²⁹

The county board of election commissioners supervises general elections;³⁰ and it prints and distributes ballots for the election of all officers to be voted for in Clay County, other than those who are to be voted for by all the electors of the state.³¹ The state ballots are furnished by the state board of election commissioners.³² The names of the candidates are arranged on the county ballots by the election commissioners. Candidates nominated by convention or primary by parties casting one-half of one percent of the total vote of the state at the last preceding general election, and whose

²⁰ Acts 1889, ch. 87, secs. 18, 26.

²¹ Const., art. 2, sec. 14 (as amended in 1881).

²² Acts 1881 (Spec. Sess.); Burns 29-701; Baldwin 7081.

²³ Acts 1881 (Spec. Sess.); Burns 29-702; Baldwin 7082.

²⁴ Const., art. 2, sec. 13.

²⁵ Spickerman v. Goddard, 182 Ind. 523; 107 N. E. 2.

²⁶ Acts 1920 (Spec. Sess.); Burns 29-903; Baldwin 7148. Acts 1901, 1903; Burns 29-2404; Baldwin 7352.

²⁷ Acts 1889; Burns 29-801; Baldwin 7089. Acts 1920 (Spec. Sess.); Burns 29-901; Baldwin 7091.

²⁸ Acts 1920 (Spec. Sess.); Burns 29-909; Baldwin 7154. Acts 1897; Burns 29-1121; Baldwin 7135.

²⁹ Acts 1889; Burns 29-808; Baldwin 7097.

³⁰ Acts 1889; Burns 29-1116, 29-1117, 29-1119, 29-1120; Baldwin 7130, 7131, 7133, 7134. Acts 1903; Burns 29-2407; Baldwin 7355. Acts 1901; Burns 29-2410, 29-2426, 29-2428; Baldwin 7358, 7374, 7376.

³¹ Acts 1889; Burns 29-1002; Baldwin 7109.

³² Acts 1889; Burns 29-1001; Baldwin 7108.

nominations have been duly certified to the clerk of the circuit court, are placed on the ballot under their respective party emblems. Candidates' names may be placed on the ballot by the petition of a required number (one-half of one percent of the total vote cast in the last preceding general election in the county) of qualified electors.³³ Political parties may be barred from the ballot if they advocate the overthrow, by force or violence, of the local, state, or national government. New parties must file, with the election commissioners in charge of the ballot or ballots on which they wish to appear, an affidavit declaring that they do not advocate such an overthrow.³⁴ The county board also prints and furnishes the ballot label for the voting machines.³⁵

The election is conducted by the precinct election boards, consisting of one inspector and two judges, who are appointed by the county board of election commissioners. The township trustee is ex officio inspector in his own precinct and the other inspectors are nominated by the party casting the highest number of votes in the county for secretary of state in the preceding election. The two judges must be of opposite political faith and are nominated by the county chairmen of the two major political parties. Other precinct officials—two election sheriffs, two poll clerks, and if found necessary, two assistant poll clerks—are nominated and appointed in the same manner.³⁶

Since 1933, city³⁷ and township³⁸ elections are held at the time of the general election, and are under the supervision of the county board of election commissioners,³⁹ as are all special elections.⁴⁰

The board has full power to send for persons and papers and compel witnesses to answer proper questions under oath. The sheriff serves all processes in county elections and obeys all orders of the board.⁴¹

³³ Acts 1897, 1919, 1933; Burns 29-1106; Baldwin 7120. Acts 1920 (Spec. Sess.); Burns 29-1107; Baldwin 7121.

³⁴ Acts 1935; Burns, 1939 suppl., 29-1015; Baldwin, 1935 suppl., 7120-1.

³⁵ Acts 1901; Burns 29-2410; Baldwin 7358.

³⁶ Acts 1929, 1933; Burns 29-804; Baldwin 7093. Acts 1929; Burns 29-805 to 29-807; Baldwin 7094 to 7096.

³⁷ Acts 1889, 1891; Burns 29-1612; Baldwin 7170. Acts 1933; Burns 29-1806; Baldwin 11638.

³⁸ Acts 1933, 1935; Burns, 1939 suppl., 29-1901; Baldwin, 1935 suppl., 7250.

³⁹ Acts 1933; Burns 29-1803; Baldwin 11635.

⁴⁰ Acts 1889; Burns 29-1611; Baldwin 7169. Acts 1881 (Spec. Sess.); Burns 29-1704; Baldwin 7249.

⁴¹ Acts 1905; Burns 29-1408; Baldwin 7184.

Records of all general elections are filed in the office of the clerk of the circuit court (who is a member of the board of election commissioners) for preservation as provided by statute.⁴²

536. [MINUTES OF MEETINGS OF BOARD OF ELECTION COMMISSIONERS], 1890-. In Record of Elections, entry 537.

Minutes of meetings of election commissioners with sample of election ballots attached, showing date, place, and time of meeting, names of members present, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index.

537. RECORD OF ELECTION, 1890-. 1 vol.

Record of board meetings, primary and general elections and certificates of election. Contains: [Minutes of Meetings of Board of Primary Election Commissioners], 1914-, entry 530; [Record of Primary Elections], 1914-, entry 531; [General Election Returns], entry 533; [Primary Election Returns], 1914-, entry 534; [Certificates of Election], 1897-, entry 535; [Minutes of Meetings of Board Election Commissioners], entry 536; [Record of General Elections], entry 538. Hdw. and typed. 600 pp. 18 x 12 x 3. Clk. rec. rm.

538. [RECORD OF GENERAL ELECTIONS], 1890-. In Record of Elections, entry 537.

Record of ballots furnished, distributed, and destroyed in general elections, showing date of election and certification, names of township, inspectors, and ballot commissioners, ward and precinct numbers, number of ballots distributed to each precinct, total number of ballots distributed and destroyed, and certification of commissioners. Arr. chron. by dates of elections. No index.

539. [ABSENT VOTERS RECORD], 1918-26, 1938-. 3 vols. (1, 2 and 1 vol. not numbered).

Record of absent voters' applications, ballots, and certification of board of election commissioners, showing dates of application, mailing and return of ballot, name of elector, address to which ballot was mailed, kind and year of election, name of township, precinct and ward numbers, total number of ballots mailed and marked, and certification to inspector of precinct. Also contains: [Absent Voters Record, Primary Election], 1938-, entry 532. Arr. alph. by names of town-

⁴² Acts 1930 (Spec. Sess.); Burns 29-912; Baldwin 7157. Acts 1889; Burns 29-1009; Baldwin 7113. Acts 1915; Burns 29-1304; Baldwin 7456. Acts 1911, 1913, 1915; Burns 29-2508; Baldwin 7445. Acts 1911; Burns 29-2510; Baldwin 7447.

ships, thereunder num. by precinct nos. 1918-26, indexed alph. by names of townships, thereunder num. by precinct nos.; 1938-, no index. Hdw. 200 pp. 12 x 15 x 2½. Clk. rec. rm.

540. CANDIDATES' STATEMENT OF ELECTION EXPENSES, 1896-.
11 f. b.

Statements of candidates' campaign expenses in primary, 1914-, and general elections, showing dates of election, statement and filing, names of candidate and office sought, and an itemized statement of campaign expenditures. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Clk. rec. rm.

XX. COUNTY BOARD OF EDUCATION

The board of education, as established by an act of 1873, amended in 1877, consists of the county superintendent of schools, the township trustees, and the chairman of the school trustees of each city and town of the county. Before 1877 all the school trustees of each town and township were also included as members of the board.¹

Semiannual meetings are held at the office of the county superintendent on the first days of May and September. A majority of the board members constitutes a quorum. The county superintendent presides at the meetings and he casts his vote in the same manner as the other members.²

The board acts in an advisory capacity by determining and considering the wants and needs of the schools; it provides for the maintenance of school property and purchase of furniture, books, maps, charts, and other supplies.³ The board may purchase text books from publishers and sell them to pupils at cost,⁴ or rent them to pupils at not to exceed 25 percent of the retail price.⁵

¹ Acts 1873, 1877; Burns 28-801; Baldwin 5983. Although the members of the city and town boards are members of the county board, they do not attend the meetings with any regularity and take no active part in the business of the board.

² Acts 1873, 1877; Burns 28 801; Baldwin 5983.

³ *Ibid.*

⁴ Acts 1921; Burns 28-614; Baldwin 6692.

⁵ Acts 1935; Burns, 1939 suppl., 28-638; Baldwin, 1935 suppl., 6692-1.

541. RECORD OF PROCEEDINGS COUNTY BOARD OF EDUCATION,
1905-. 1 vol.

Minutes of meetings of board of education, showing date, place and time of meeting, names of members present, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 250 pp. 16 x 10 x 2. Supt. off.

XXI. COUNTY SUPERINTENDENT OF SCHOOLS

The superintendent of schools of Clay County is elected by the township trustees for a four-year term, under the authority of an act of 1899 and later amendments which increased his powers as defined in an act of 1873.¹ No person is eligible to the office of superintendent of schools who has not had five years' successful experience as a teacher and who does not hold a first or second grade superintendent's license.² The superintendent must take an oath to perform his duties according to law and execute a bond of \$5,000, approved by the auditor.³ The statutory salary of the superintendent of the Clay County schools is \$1,840,⁴ but this amount may be increased by a vote of a majority of the township trustees.⁵

The board of commissioners, by an act of 1853, appointed one to three school examiners for the county for the purpose of examining and licensing school teachers;⁶ by an act of 1861, one school examiner.⁷ The title of school examiner was changed to superintendent of schools and the power of appointment was transferred to the township trustees, by an act of 1873. Although his powers had been increasing gradually, this act made him more responsible to the state superintendent of public instruction and gave him advisory supervision of the schools of the county.⁸

The superintendent exercises general supervision of the

¹ Acts 1873, ch. 25, secs. 3, 4, 6-8. Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

² Acts 1923; Burns 28-4209; Baldwin 5920. Acts 1935; Burns, 1939 suppl., 28-701; Baldwin 1935 suppl., 5933-1.

³ Acts 1899, 1911, 1913; Burns 28-702; Baldwin 5931.

⁴ Acts 1933; Burns 49-1004; Baldwin 7534.

⁵ Acts 1933, 1939; Burns, 1939 suppl., 49-1014; Baldwin, 1937 suppl., 7544.

⁶ Acts 1853, ch. 106, sec. 6.

⁷ Acts 1861, ch. 61, secs. 32, 33.

⁸ Acts 1873, ch. 25, sec. 2.

schools outside the incorporated cities and towns of Clay County.⁹ His duties are to visit the schools in session for the purpose of increasing their usefulness and raising their standards as uniformly as practicable; to carry out the orders of the state board of education and the state superintendent of public instruction;¹⁰ to nominate an attendance officer to be appointed by the board of education;¹¹ to conduct county teachers' institutes¹² and conduct and preside over township institutes;¹³ to report as to teachers' preparation, experience, and license before they are employed.¹⁴ It is his duty to examine and verify certificates, presented by township trustees, for aid from the state common school relief fund.¹⁵ He is, ex officio, a member of the county board of education and presides at its meetings.¹⁶

The superintendent keeps a complete record of licenses held by all regular school teachers, date of employment, their success grades, and the monthly or annual salary of each.¹⁷ He makes an annual report to the state superintendent of public instruction concerning the enumeration of school children in county, townships, or cities. He also reports statistics and other information relative to the condition of the schools, schoolhouses, and general progress of education.¹⁸

REPORTS

542. COUNTY SUPERINTENDENTS VISITING RECORD, 1901-. 73 vols.

Record of official visits of superintendent to schools, showing date and number of visit, names of teacher, school and township, district number, enrollment by grades, total enrollment, number of pupils present, and notes taken regarding teacher's work. Arr. chron. by dates of visits. No index. Hdw. 100 pp. 7 x 5 x 1/2. Supt. off.

⁹ Acts 1899; Burns 28-705; Baldwin 5940. Acts 1873; Burns 28-1401; Baldwin 5973.

¹⁰ Acts 1921; Burns 28-305; Baldwin 5939. Acts 1899; Burns 28-704; Baldwin 5938.

¹¹ Acts 1921, 1932 (Spec. Sess.); Burns 28-501; Baldwin 6993.

¹² Acts 1907, 1929, 1933; Burns 28-4402; Baldwin 6725.

¹³ Acts 1899; Burns 28-704, 28-706; Baldwin 5938, 5942.

¹⁴ Acts 1927, 1933; Burns 28-4309; Baldwin 6005.

¹⁵ Acts 1933; Burns 28-903, 28-904; Baldwin 6433, 6434.

¹⁶ Acts 1873, 1877; Burns 28-801; Baldwin 5963.

¹⁷ Acts 1923; Burns 28-4217; Baldwin 5928.

¹⁸ Acts 1865, 1873, 1895; Burns 28-714; Baldwin 5948.

543. STAT[istical] REPORTS FROM CO[unty] SUP[erintenden]T TO STATE SUP[erintendent], 1899-1932. 2 f.b. Title varies: Statistics to State from Co[unty] Sup[erintendent], 1899-1925, 1 f.b., 1933- in Report from Trustees and Board to State, entry 550.

Copies of annual financial and statistical reports to state superintendent of public instruction, showing same information as entry 544. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

544. COUNTY SUPERINTENDENT REPORTS, 1879-98. 2 vols.

Record of annual financial and statistical reports to state superintendent of public instruction, showing date of report, name of township or school corporation, amount of receipts and disbursements, nature of expenditures, total operating cost, number of pupils enrolled, total daily attendance, number of employees, amount of salaries, rate of school tax, and total assessed valuation of school property. Also contains: School Superintendents' Reports of Enumeration, 1879-85, entry 568; Record of Teachers Examination, 1879-86, entry 576; Record of Graduates, 1886-98, entry 579. Arr. chron. by dates of reports. No index. Hdw. 200 pp. 10 x 14 x 1½. Supt. off.

545. [REPORTS FOR CONGRESSIONAL TOWNSHIP FUND READJUSTMENT], 1931-32. In Auditor's Report of Distribution of School Revenue, entry 546. Discontinued.

Copies of reports of school enumeration made to auditor by county superintendent as basis for readjustments of Congressional township funds, showing date of report, names of school corporations, number of school children residing in each, and township and range numbers.

546. AUDITORS REPORT OF DISTRIBUTION OF SCHOOL REVENUE, 1930-. 1 f. b.

Copies of reports of distribution of revenue of common and Congressional school funds submitted by auditor to state superintendent of public instruction, showing date of statement, per capita rate, school enumeration, and amounts distributed. Also contains: Reports for Congressional Township Fund Readjustment, 1931-32, entry 545; Commissioners Reports to State Superintendent, 1934-35, entry 549; School Superintendents' Reports of Enumeration, 1931-32, entry 568. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

547. AUDITORS REPORT OF DISTRIBUTION OF SCHOOL REVENUE, 1930-. 1 f. b.

Superintendent's copy of auditor's semiannual report of distri-

bution of school revenue, showing date of report, name of township, city or town, daily attendance of scholars, total amount of revenue available for distribution, and amount apportioned to each school corporation. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

548. STATE AID, 1932-. 1 f. b., 1 f. d. Title varies: State Aid Audits, 1932-34, 1 f. b.

Copies of common school relief fund claims, showing dates of claim, certification and audit, names of school corporation, officials certifying and field examiners, amount of claim, schedules of distributions to, valuation of and levies by school corporations, financial statement for previous year, schedule of receipts and expense chargeable in claim, and schedule of estimated receipts and disbursements of school transfers. Arr. chron. by dates of claims. No index. Hdw. F. b., 11 x 5 x 14; f. d., 11 x 14 x 27. Supt. off.

549. [COMMISSIONERS REPORTS TO STATE SUPERINTENDENT], 1934-35 in Auditor's Report of Distribution of School Revenue, entry 546.

Copies of annual reports on condition of Congressional township and common school funds made to state superintendent of public instruction by board of commissioners, showing date of report, names of commissioners, and itemized statement of condition of each fund.

550. REPORT FROM TRUSTEES AND BOARD TO STATE, 1932-. 1 f. d.

Copies of school trustees' annual statistical reports to state superintendent of public instruction, showing date of report, names of trustee and school corporation, enrollment of pupils, number of transfers and pupils completing elementary grades, number of employees and amount of wages, number of abandoned and new school buildings, assessed valuation of school property, mileage and costs of pupils' transportation, itemized statement of assets and liabilities, and net worth of school property. Also contains Stat[istical] Report from Co[unty] Sup[erintendent] to State Sup[erintendent], entry 543; [Report Regarding Teaching Staff], 1935-, entry 551; Trustees to Sup[erintendent], 1933-, entry 553. Arr. chron. by dates of reports. No index. Hdw. 11 x 14 x 27. Supt. off.

551. [REPORTS REGARDING TEACHING STAFF], 1935- in Reports from Trustees and Board to State, entry 550.

Copies of county superintendent's reports to state superintendent of public instruction on teaching staff of county schools, showing date of report, name of school corporation, schedule

of additions to and deletions from teaching staff, number of instructors eligible for establishment of basis for distribution of gross income tax, changes in teaching assignments, number of teaching units receiving state aid, and number of persons teaching in schools during current semester.

552. TRUSTEES TO SUP[erintenden]T, 1902-32. 5 f.b. Title varies: School Board to Sup[erintenden]t; Statistical Reports from T[o]w[nshi]p Trustees to the Co[unty] Superintenden]t.

Annual reports of school trustees to county superintendent, showing date of report, names of taxing unit and trustee, statistical report of school enrollment and attendance, and financial report of receipts, disbursements and indebtedness for school purposes. Arr. chron. by dates of reports, thereunder by taxing units. No index. Hdw. 11 x 5 x 14. Supt. off.

553. TRUSTEES TO SUP[erintenden]T, 1902-32. 5 f.b. Title varies: School Board to Sup[erintenden]t; and Statistical Reports from T[o]w[nshi]p Trustees to the Co[unty] Sup[erintenden]t. 1933- in Report from Trustees and Board to State, entry 550.

Trustees' annual statistical and financial reports to county superintendent, showing same information as entry 543. Arr. by school units, thereunder chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

554. REPORT FROM STATE BOARD OF ACCOUNTS ON AUDIT TRUSTEES, 1931-. 1 f.b.

Copies of field examiners' reports of audits of township school funds, showing dates of report and filing, names of township, office and examiners, and conditions of accounts. Arr. num. by report nos. No index. Typed. 11 x 5 x 14. Supt. off.

555. T[o]w[nshi]P INSTITUTE REPORT & ATTENDANCE OFF[icer's] REPORT, 1903-7, 1913-16, 1921-26. 3 f.b.

Reports submitted to county superintendent by township institute secretaries, showing date, place, time and length of meeting, names of teachers present, secretary and township, number of pupils, patrons, visiting teachers and other visitors attending, and total attendance. Also contains: High School Reports, 1923-28, entry 560; Weekly Report of Attendance Officer, 1924-25, entry 556. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

556. WEEKLY REPORT OF ATTENDANCE OFFICER, 1902-7, 1910-16, 1918-22. 3 f.b. 1924-25 in T[o]w[nshi]p Institute Report & Attendance Off[icer's] Report, entry 555.

Weekly reports of attendance officer to county superintendent,

showing date of report, names of attendance officer and parent, name, address and age of child investigated, nature of charge, disposition of case, number of hours worked, visits made and children returned to school daily, number of visits to home, schools, stores, factories and other places of industry, and total visits. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

557. [MONTHLY ATTENDANCE REPORTS], 1936-. 2 vols., 1 bdl. Carbon copies of teachers' monthly attendance reports, showing date of report, names of teacher, school and township, name, age, grade and sex of pupils, number of days present and absent, and reason for absence. Arr. chron. by dates of reports. No index. Hdw. Vols., 600 pp. 16 x 12 x 4; bdl., 16 x 12 x 4. Supt. off.

558. ATTENDANCE REPORTS, 1932-. 3 f. b., 1 f. d. Title varies: Final Attendance, 1932-35, 3 f. b. Annual reports of aggregate attendance of pupils submitted by teachers to county superintendent, showing date of report, names of teacher and township, number of pupils reported on and days school was in operation, total days' attendance of pupils residing inside local corporation and of transfer pupils, and name, address, birth date, grade, sex and total days' attendance of each resident and transfer pupil. Also contains: Student Record, 1933-, entry 580. Arr. chron. by dates of reports, thereunder by twps. No index. Hdw. F. b., 11 x 5 x 14; f. d., 11 x 4 x 27. Supt. off.

559. TEACHER DATA, 1931-. 2 f. d. Title varies: Teacher Approval, 1931-36, 1 f. d. Trustees' reports to state superintendent of public instruction of teachers' success, showing date of report, names of trustee, school and teacher, kind of license, teacher's rating in personality, preparation, teaching technique, achievement, management, professional attitude, degree of training, and teacher's salary. Arr. chron. by dates of reports. No index. Hdw. and typed. 1 f. d., 5 x 11 x 13; 1 f. d., 11 x 14 x 27. Supt. off.

560. HIGH SCHOOL REPORTS, 1916-. 2 f. b., 3 f. d. Title varies: Ele[mentary] Sch[ool] Classif[ication], 1916-20, 1 f. b. 1923-28 in T[o]w[nshi]p Institute Report & Attendance Off[icer's] Report, entry 555; 1929-31 in State Inspection-Commissions, entry 563.

Copies of annual school inspection reports submitted to division of inspection and department of public instruction, showing date of report, names and addresses of school, inspector and trustee or school board secretary, and schedule of inspec-

tion. Arr. chron. by dates of reports. No index. Hdw. and typed. F. b., 11 x 5 x 14; 1 f.d., 13 x 11 x 5; 2 f.d., 16 x 10 x 3. Supt. off.

561. H[igh] SCH[ool] INSPECTION REPORT, 1923-34, 1936-.

1 f. b., 2 f.d. Title varies: Inspection Reports and Commissions from State, 1923-24, 1 f.b. 1935 in H[igh] Sch[ool] Inspection & Fire Marshal, entry 562.

Carbon copies of school rating reports made by division of inspection of department of public instruction, showing date and number of inspection, names of school, township and inspector, present and recommended school classifications, schedule of inspection, ratings given, and recommendations made. Arr. chron. by dates of reports. No index. Hdw. and typed. F.b., 11 x 5 x 14; f.d., 13 x 11 x 5. Supt. off.

562. H[igh] SCH[ool] INSPECTION & FIRE MARSHAL, 1935-37.

1 f.b.

Carbon copies of reports of school inspections by fire marshal department, 1936-37, showing dates of inspection and report, names of school and trustee, and recommendations made. Also contains: H[igh] Sch[ool] Inspection Report, 1935, entry 561. Arr. chron. by dates of reports. No index. Typed. 11 x 5 x 14. Supt. off.

563. STATE INSPECTION-COMMISSIONS, 1931-32. 1 f.b.

Certificates of commission issued to schools by department of public instruction, showing dates of issue and expiration, names of school and township, school district number, and nature and conditions of commission. Also contains: High School Reports, 1929-31, entry 560. Arr. chron. by dates of issues. No index. Hdw. and ptd. 11 x 5 x 14. Supt. off.

564. TRANSPORTATIONS, 1931-. 1 f.b.

Various papers pertaining to transportation of children to and from schools, including bus drivers' reports, schedule of bids by routes, and letting of contracts, showing dates of instrument, names of principals, and kind and conditions of instrument. Arr. chron. by dates of instruments. No index. Hdw. and typed. 11 x 5 x 14. Supt. off.

565. NURSE HEALTH REPORTS, 1929. 1 f.b.

Examiners' reports of health of children in schools, showing dates of examination and report, names and address of child and parents, names of examiner and family physician, health histories of child and family, health condition of child, and recommendations of examiner. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

566. TRUSTEE'S REPORT OF SCHOOL TEXT-BOOKS SOLD, 1897-1909. 1 f. d. Discontinued.

Quarterly reports of sales of school text books submitted to county superintendent by trustees, showing dates of report and filing, names of trustee, township, publisher and text books, inventory of receipts and sales, unit prices, and total sales. Arr. chron. by dates of filing. No index. Hdw. 11 x 5 x 14. Supt. off.

ENUMERATIONS

567. ENUMERATION SHEETS, 1905-32. 3 f.b., 26 bdl's. Discontinued.

Trustees' reports of enumeration of children between six and twenty-one years of age for establishment of basis for distribution of school revenue, showing same information as entry 568. Arr. chron. by dates of reports. No index. Hdw. F.b., 11 x 5 x 14; bdl's., 4 x 6 x 1½. Supt. off.

568. SCHOOL SUPERINTENDENTS' REPORTS OF ENUMERATION, 1886-1914. 1 vol. 1879-85 in County Superintendents Reports, entry 544. 1931-32 in Auditors Report of Distribution of School Revenue, entry 546.

Record of enumeration of school children between the ages of six and twenty-one years to establish basis for apportionment of school revenue, showing date of enumeration, name, age and color of child, and number of children regularly employed or disabled. Arr. chron. by dates of enumerations. No index. Hdw. 240 pp. 15 x 10 x 2. Attic stor. rm.

TEACHERS

569. RECORD [Clay County Institutes], 1893-. 2 vols. Minutes of meetings of county institute, showing date and place of meeting, enrollment and attendance, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 615 pp. 14 x 9 x 2. Supt. off.

570. MISCELLANEOUS, 1932-. 4 f.d. Title varies: Teachers Meetings, 1932-33, 1 f.d.; Teachers Record Blanks, 1934-36, 1 f.d.

Teachers' reports of attendance at county institutes and teachers' monthly meetings, showing dates of report and meeting, kind of meeting, names of school unit and teacher, and number of days attended. Arr. chron. by dates of reports. No index. Hdw. 3 f.d., 5 x 11 x 13; 1 f.d., 11 x 14 x 27. Supt. off.

571. RECORDS [County Teachers' Association], 1883-1912.
1 vol.

Minutes of meetings of county teachers' association, showing date, place and time of meeting, names of members enrolled, subjects discussed, and action taken. Arr. chron. by dates of meetings. No index. Hdw. 385 pp. 12 x 8 x 1½. Supt. off.

572. SUCCESS ITEMS, 1923-30. 19 vols.

Stubs of teachers' annual success grade schedules, showing date of schedule, name, address and position of teacher, name of school, success grade, and itemized success schedule. Arr. chron. by dates of schedules. No index. Hdw. 50 pp. 8 x 11 x ½. Supt. off.

573. [TEACHERS' LICENSES], 1921-. 1 f.b.

Card record of teachers' licenses expired, showing dates of license and expiration, names of teacher and college attended, number and kind of license, and number of years teaching experience. Arr. alph. by names of teachers. No index. Hdw. 6 x 8 x 11. Supt. off.

574. [VALID LICENSES NOT IN USE], 1921-. 1 f.b.

Card record of licensed teachers not employed, showing names of teacher, degree of training, date, number and kind of license, number of years teaching experience, and college credits earned. Arr. alph. by names of teachers. No index. Hdw. 6 x 8 x 11. Supt. off.

575. LIST OF CLAY COUNTY TEACHERS & OFFICERS, 1910-. 1 f.b.

Lists of county school teachers and officers, showing date of list, names and addresses of teacher and officer, grades or subjects taught, name of township, and district number. Arr. chron. by dates of lists. No index. Typed. 11 x 5 x 14. Supt. off.

576. RECORD OF TEACHER EXAMINATIONS, 1887-1923. 4 vols.

Discontinued. 1879-86 in County Superintendents' Reports, entry 544.

Record of examination of applicants for licences to teach in grade and high schools, showing dates of examination and issuance of license, name and address of applicant, subjects included and grades made in examination, and duration and type of license granted. Arr. by types of licenses, thereunder alph. by names of applicants. No index. Hdw. 175 pp. 15 x 10 x 1. Supt. off.

577. TEACHERS' CERTIFIC[ates], 1909-23. 1 f. b. Discontinued.

Teachers' training certificates issued by teachers' training institutions, showing dates of graduation from high school, attendance at teachers' training institution and certificate,

names of teacher and high school and teachers' training institution attended, and class and number of certificate. Arr. chron. by dates of certificates. No index. Hdw. and typed. 11 x 5 x 14. Supt. off.

578. TEACHERS' FAILURE REPORTS FROM STATE, 1914-23. 1 f. b. Discontinued.

Reports of grading of teachers' license examination manuscripts submitted to county superintendent by state department of public instruction, showing dates of report and examination, manuscript number, subjects passed, conditioned and failed, and grades made. Arr. chron. by dates of reports. No index. Hdw. 11 x 5 x 14. Supt. off.

PUPILS

579. RECORD OF GRADUATES, 1899-. 3 vols. 1886-98 in County Superintendent's Reports, entry 544.

Register of eighth grade graduates, showing date of diploma, name, age, sex and color of graduate, names of school corporation and officials signing diploma, and school number. Arr. chron. by dates of diplomas. No index. Hdw. 160 pp. 16 x 10 x 1½. Supt. off.

580. STUDENTS RECORD, 1910-32. 2 vols. 1933- in Attendance Reports, entry 558.

Register of pupils enrolled in high schools, showing date and place of birth, dates of entrance and graduation or withdrawal, names of pupil and school attended, name and address of parent or guardian, subjects studied, and grades made. Arr. chron. by dates of entrance. Indexed alph. by names of pupils. Hdw. 560 pp. 18 x 13 x 3. Supt. off.

581. H[igh] S[chool] RECORDS, 1922-. 3 f. d.

Card record of high school graduates, showing dates of entrance and graduation, name, address and date and place of birth of pupil, names of parent or guardian and school attended, subjects carried, and grades made. Arr. chron. by dates of graduations. No index. Hdw. 6 x 11 x 13. Supt. off.

582. HIGH SCHOOL WITHDRAWALS, 1922-. 1 f. d.

Card record of high school pupils withdrawing before graduating, showing dates of entrance and withdrawal, name, address, and date and place of birth of pupil, names of parent or guardian and school attended, subjects carried, grades made, and reason for withdrawal. Arr. chron. by years, thereunder by names of schools. Hdw. 3 x 10 x 16. Supt. off.

583. TRANSCRIPTS OF BIRTH RECORDS, WORK PERMITS, 1921-.
3 f.d. Title varies: Vocation Employees' Certificates, 1921-25, 1 f.d.

Transcripts of birth certificates and student work permits, showing dates of birth and permit, names of township, employer and student, type of employment, and physical condition of student. Arr. chron. by dates of permits. No index. Hdw. and typed. 5 x 15 x 19. Supt. off.

584. CARBON COPY OF REQUESTS FOR BIRTH TRANS[cripts], 1921-. 1 f.d.

Copies of requests for transcripts of birth certificates of students, showing date of request, names of student and parents, and date and place of student's birth. Arr. chron. by dates of requests. No index. Typed. 3 x 10 x 16. Supt. off.

585. DIPLOMA EXAMINATION CERTIFICATES, 1920. 1 f. d.

Lists of examination certificates issued to eighth grade pupils, showing date of list, names of school, trustee, teacher and pupil, subjects studied, grades made, scholarship average, and recommendation for promotion or retention. Arr. by twps. No index. Hdw. and typed. 5 x 11 x 13. Supt. off.

XXII. COUNTY HEALTH OFFICER

The health officer of Clay County, who is appointed by the board of commissioners for a four-year term, under the authority of an act of 1935, effective January 1, 1938, is a part-time official. He must be a regularly licensed physician, suitably trained in sanitary science and hygiene, with qualifications satisfactory to the state board of health. Should the state board of health fail to approve the nomination of the person recommended, the board of commissioners must make another nomination at once.¹ His salary is three cents per capita, based on the population of the county less the population of any city having a health officer, except that in no case shall he receive less than \$200 nor more than \$1,800 per year.²

From 1881 to 1909, the board of commissioners constituted the county board of health ex officio and elected annually a

¹ Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1. Commissioners' Record, 35:3.

² Acts 1935; Burns, 1939 suppl., 35-118; Baldwin, 1935 suppl., 8404-1.

secretary, who was a physician and served as health officer. The statute governing these matters provided that the secretary must render medical and surgical services to inmates of the county jail and other services required by the board of commissioners.³ An act of 1891 enlarged the duties of the board and the secretary was its executive officer.⁴ In 1909 the county board of health was abolished and the office of health commissioner was established, which continued until superseded by the health officer in 1938. The board of commissioners elected as health commissioner a licensed physician.⁵

The health officer protects and supervises the general health and sanitation of the county outside of incorporated cities.⁶ He enforces the health laws of the state and the rules and regulations of the state board of health;⁷ oversees inspection of food and drugs, and endeavors to promote sanitary conditions for the sale of food;⁸ condemns buildings unfit for human habitation;⁹ and as an aid to the prevention of the pollution of water courses, he sends samples of water to the state laboratory for inspection.¹⁰ He makes inspections of public buildings and institutions and of private property; investigates the presence, source, and cause of disease, establishes quarantine; and if necessary, closes schools and churches and forbids public gatherings in order to prevent epidemics; he protects the public health in all reasonable and necessary ways.¹¹

The health officer makes weekly reports to the state board of health summarizing all cases of contagious diseases. The United States Public Health Service provides franked report blanks for this purpose, and they must be sent in even if there are no cases to report, the blank being marked "no cases reported."¹²

³ Rev. Stat. 1881, sec. 4993.

⁴ Acts 1891, ch. 15, sec. 8.

⁵ *Ibid.*, secs. 8, 10. Acts 1909, ch. 144, secs. 4, 6.

⁶ Acts 1935; Burns, 1939 suppl., 35-122, 35-124; Baldwin, 1935 suppl., 8404-5, 8404-7.

⁷ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

⁸ Acts 1909; Burns 35-1009; Baldwin 8512. Acts 1907; Burns 35-1207; Baldwin 8476.

⁹ Acts 1917; Burns 35-1801; Baldwin 8563.

¹⁰ Acts 1907, 1913; Burns 35-115; Baldwin 8398. Acts 1909; Burns 35-201; Baldwin 8410.

¹¹ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

¹² Acts 1907, 1913; Burns 35-115, 35-116; Baldwin 8398, 8399. Rule 6 of state board of health.

The health officer collects records, reports the vital statistics of the county, issues burial permits,¹³ and keeps full and permanent records of the public health work and of his reports. He makes monthly reports of his work to the state board of health.¹⁴

586. RECORD OF BIRTHS, 1882-. 11 vols. (H1-H5, H8, H11, H14, and 3 vols. not numbered).

Record of births reported to health officer, showing dates of birth and report, report number, name, sex and color of child, name of attending physician, names, ages, occupations and birthplaces of parents, and nature of birth. Arr. chron. by dates of reports. Indexed alph. by names of children. Hdw. 140 pp. 17 x 11 x 2. Hlth. offr. off. Crosdale Bldg., Brazil, Ind.

For other birth records, see entries 590i-594i.

587. RECORD OF CONTAGIOUS AND INFECTIOUS DISEASES, 1918-. 1 vol.

Record of cases of contagious and infectious diseases reported to health officer, showing dates of recording and establishment of quarantine, name, age, address, sex and color of patient, nature of disease, and name and address of person reporting. Arr. chron. by dates of quarantine. Indexed alph. by names of patients. Hdw. 215 pp. 18 x 12 x 3. Hlth. offr., Crosdale Bldg., Brazil, Ind.

For other contagious disease records, see entries 590iii-594iii.

588. RECORD OF MARRIAGES, 1882-95, 1898-1902, 1910-. 12 vols., 1 f.d. (C23-C25, H20, H21, and 7 vols. and 1 f.d. not numbered).

Record of returns of marriage certificates, showing dates of marriage, return and recording, names of persons signing affidavit, names, ages, addresses, occupations, race, birthplaces and marital status of bride and groom, names of witnesses and parents, and name and title of person officiating. 1882-93, 1910-16, arr. chron. by dates of recording. 1894-95, 1898-1902, indexed alph. by names of grooms. Hdw. Vols., 250 pp. 16 x 12 x 2½; f.d., 8 x 9 x 12. 7 vols., 1882-95, 1898-1902, 1910-1915, C. C. clk. rec. rm.; 5 vols., 1 f.d., 1916-, hlth. offr. off., Crosdale Bldg., Brazil, Ind.

For other marriage records, see entries 8, 55, 56.

¹³ Acts 1891, 1909; Burns 35-111; Baldwin 8405. Acts 1907, 1913; Burns 35-115; Baldwin 8398.

¹⁴ Acts 1891, 1909; Burns 35-111; Baldwin 8405.

589. RECORD OF DEATHS, 1882-. 9 vols. (H16-H19, and 5 vols. not numbered).

Record of death returns, reported to county health officer, showing dates of return and death, name, age, color, nationality and occupation of decedent, duration and nature of illness, cause of death, names of parents, attending physician and undertaker, post-mortem examination if any, and place of burial. Arr. chron. by dates of returns. Indexed alph. by names of decedents. Hdw. 175 pp. 17 x 16 x 2½. 2 vols., 1882-94, 1899-1901, C. C. attic stor. rm.; 7 vols., 1895-98, 1902-, hlth. offr. off., Crosdale Bldg., Brazil, Ind.

For other death records, see entries 590ii-594ii.

590. RECORD OF BIRTHS, DEATHS AND CONTAGIOUS DISEASES, CARBON, IND., 1899-1921, 2 vols. (H6, H12).

Vital statistics records of Carbon, including:

- i. Birth returns, showing same information as in entry 592i. Arr. chron. by dates of recording. Indexed alph. by names of parents.
- ii. Deaths, showing same information as in entry 592ii. Arr. chron. by dates of recording. Indexed alph. by names of decedents.
- iii. Contagious diseases, showing same information as in entry 592iii. Arr. chron. by dates of recording. 1899-1907, indexed alph. by names of patients; 1908-21, no index.

Hdw. 105 pp. 18 x 12 x 1½. Hlth. offr. off., Crosdale Bldg., Brazil, Ind.

591. RECORD OF BIRTHS, DEATHS, AND DISEASES, CENTERPOINT, 1907-37. 1 vol. (H-10).

Vital statistics records of Centerpoint, including:

- i. Birth returns, Nov. 1907-Nov. 1936, showing same information as in entry 592i. Arr. num. by register nos. No index.
- ii. Death returns, Oct. 1907-36, showing same information as in entry 592ii. Arr. num. by register nos. No index.
- iii. Contagious diseases, Apr. 1908-July 14, 1937, showing same information as in entry 592iii. Arr. chron. by dates of recording. No index.

Hdw. 200 pp. 18 x 12 x 2. Hlth. offr. off., Crosdale Bldg., Brazil, Ind.

592. RECORD OF BIRTHS, DEATHS AND DISEASES, CLAY CITY, 1902-38. 3 vols. (H9, H15, and 1 vol. not numbered).

Vital statistics records of Clay City, including:

- i. Birth returns, 1905-37, showing register number, dates of birth and return, name, sex and color of child, name of attending physician, and names, ages, occupations and birthplaces of parents. Arr. num. by register nos. Indexed alph. by names of parents.
- ii. Deaths, showing register number, date and time of death, name, sex, color, age, occupation and nationality of decedent, duration of illness, cause of death, names of parents, medical attendant and undertaker, report of post-mortem if any, and place of burial. Arr. num. by register nos. Indexed alph. by names of decedents.
- iii. Diseases, 1908-37, showing register number, dates disease reported and quarantine established and released, name, age, sex and color of patient, nature of disease, and name and address of person reporting. Arr. num. by register nos. Indexed alph. by names of patients.

Hdw. 110 pp. 18 x 12 x 1½. Hlth. offr. off., Crosdale Bldg., Brazil, Ind.

593. RECORD OF BIRTHS, DEATHS AND DISEASES, KNIGHTSVILLE, 1926-37. 1 vol.

Vital statistics records of Knightsville, including:.

- i. Birth returns, showing same information as in entry 592i. Arr. chron. by dates of recording. Indexed alph. by names of parents.
- ii. Deaths, showing same information as in entry 592ii. Arr. chron. by dates of recording. Indexed alph. by names of decedents.
- iii. Contagious diseases, 1926-36, showing same information as in entry 592iii. Arr. chron. by dates of recording. Indexed alph. by names of patients.

Hdw. 110 pp. 18 x 12 x 1½. Hlth. offr. off., Crosdale Bldg., Brazil, Ind.

594. STAUNTON, [Record of Births, Deaths and Diseases 1899-1937. 3 vols. (H7, H13, and 1 vol. not numbered).

Vital statistics records of Staunton, including:

- i. Birth returns, showing same information as in entry 592i.
- ii. Deaths, showing same information as in entry 592ii.
- iii. Contagious diseases, June 1910-Jan. 1911, showing same information as in entry 592iii.

Arr. chron. by dates of recording. No index. Hdw. 100 pp. 18 x 12 x 1. Hlth. offr. off., Crosdale Bldg., Brazil, Ind.

XXIII. PUBLIC HEALTH NURSE

Clay County has had one full-time health nurse appointed by the county commissioners (subject to approval by state board of health); however, the office has recently been vacated by the expiration of the term of office, and the commissioners have not yet appointed another nurse. The health nurse must be legally qualified and have been trained in sanitary science and public health.¹ The expenses of the office are paid from county and state funds.

The nurse must devote her entire time to co-operation with the part-time county health officer, school officials, and the county medical society, and perform such duties as may be prescribed by the state board of health.²

The county nurse's office was located in the courthouse and the records are kept there. A quarterly report was made to the state board of health.

595. DAILY REPORTS, 1937-38. 2 bdl.

Copies of daily activity reports of county health nurse, showing date of report, name of nurse, name and address of person visited, number of persons visited, time spent on each call and district and code numbers. Arr. chron. by dates of reports. No index. 1 bdl., 5 x 8 x 1½; 1 bdl., 10 x 2 x 1½. G. A. R. meeting rm.

596. [HEALTH QUESTIONNAIRES], 1938. 1 bdl.

Health questionnaires submitted to schools by parents of school children for use by health nurse, showing date of questionnaire, name and birth date of child, names and addresses of parents and family physician, number of children in family, father's occupation, disease history, and record of results of vaccination, immunization and tests. Arr. chron. by dates of questionnaires. No index. Hdw. 6 x 12 x 8. G.A.R. meeting rm.

597. [TEACHER'S RECORD OF PUPILS' PHYSICAL CONDITION], 1938.

1 vol.

Carbon copies of physician's reports on physical condition of pupils, showing date of report, names of school, physician, nurse, and child, name and address of teacher, and results of examination. Arr. chron. by dates of reports. No index. Hdw. 100 pp. 8 x 14 x ½. G. A. R. meeting rm.

¹ Acts 1935; Burns, 1939 suppl., 35-118, 35-119, 35-123; Baldwin, 1935 suppl., 8404-1, 8404-2, 8404-6. The last nurse was appointed January 1, 1938 for the period of one year (Commissioners' Record, 35:3). No nurse has been appointed for 1939.

² Acts 1935; Burns, 1939 suppl., 35-123; Baldwin, 1935 suppl., 8404-6.

598. [SCHOOL HEALTH SUPERVISION], 1933-38. 4 bdl.

Card record of school health supervision of school children, showing name, address, birth date, sex and color of child, name and occupation of parents, names of family physician and nurse, nature of disease, and date and results of examination and tests. Arr. by names of taxing units, thereunder alph. by names of children. No index. 5 x 11 x 9. G. A. R. meeting rm.

599. [TUBERCULIN TEST CONSENT CARDS], 1938. 1 bdl.

Card record of parents or guardian's consent to tuberculosis test, showing date of test, name, age, address, grade and sex of child, names of parents or guardian and family physician, and results of test. Arr. by names of schools, thereunder alph. by names of children. No index. 4 x 6 x 12. G. A. R. meeting rm.

600. [TUBERCULOSIS TEST RESULTS], 1937-38. 1 bdl.

Record of results of tuberculin tests given to school pupils of county, showing date of test, name of school, name and grade of pupil, and results of test. Arr. by names of schools, thereunder alph. by names of pupils. No index. Hdw. and typed. 9 x 12 x 3. G. A. R. meeting rm.

601. [RECORD OF ADMITTANCE TO TUBERCULOSIS SANITARIUM AT ROCKVILLE], 1937-38. 1 f.b.

Card record of patients admitted to sanitarium at Rockville, showing dates of admittance and discharge, and name, address and birth date of patient. Arr. alph. by names of parents. No index. 5 x 4 x 11. G. A. R. meeting rm.

602. [REQUISITIONS FOR SUPPLIES], 1938. 1 bdl.

Carbon copies of requisitions for supplies and materials submitted to state board of health, showing date of requisition, name and address of consignee, and quantity, description and unit price of supplies or materials. Arr. chron. by dates of requisitions. No index. Hdw. 8 x 11 x 1/2. G. A. R. meeting rm.

XXIV. COUNTY DEPARTMENT OF PUBLIC WELFARE

The department of public welfare of Clay County, as created by the general assembly in 1936, is administered by the county board of public welfare, and a director of public welfare.¹ The department is set up as a legal entity and it

¹ Acts 1936 (Spec. Sess.), 1937 suppl., 52-1117, 52-1118, 52-1119, 52-1126; Baldwin, 1937 suppl., 14078-18, 14078-19, 14078-20, 14078-27.

may sue and be sued under the name of "The County Department of Public Welfare of Clay County."²

Before the present system of welfare was organized, the county administered aid to the poor and needy through discretionary powers granted the county. County asylums were established at an early date to care for those who were without homes and means to care for themselves.³ In 1857 the county boards having authority to spend county funds were directed to give aid to needy blind and infirm poor.⁴ In 1901 the board of children's guardians was established to provide adequate care and supervision of neglected and dependent children.⁵ The board of charities and corrections, organized in 1899, inspected and advised changes in the county institutions;⁶ and a system of old-age pensions was enacted in 1933.⁷ These previous organizations were incorporated in the present welfare law.⁸

The county board of public welfare consists of five members. These members have been residents of the county for at least two years prior to appointment, and they must have a definite and recognized interest in public welfare. The judge of the circuit court makes the appointments. At least two of the board members must be women, and not more than three may belong to one political party. The first members were appointed: One for one year, two for two years, and two for four years; thereafter the terms will be for four years. Regular meetings are held once a month; the August meeting is known as the annual meeting, and others may be held pursuant to call.⁹

The executive and administrative work is carried on by the director of public welfare. He is appointed by the county board solely on the basis of merit from eligible lists established by the state department. He must have resided in the county at least two years before appointment unless no qualified person is available. He must give bond, payable to the

² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122; Baldwin, 1937 suppl., 14078-23.

³ Acts 1901; Burns 52-104; Baldwin 13361. 1 Rev. Stat. 1852; Burns 52-201; Baldwin 13360.

⁴ Acts 1857; Burns 26-1202; Baldwin 5295.

⁵ Acts 1901, 1923, 1927; Burns 22-2301, 22-2802; Baldwin 5684, 5685.

⁶ Acts 1899; Burns 22-2901, 22-2902, 22-2903; Baldwin 4116, 4117, 4118.

⁷ Acts 1933; Burns 52-301; Baldwin 13407.

⁸ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1121, 52-1410; Baldwin, 1937 suppl., 14078-22, 14078-122.

⁹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1118; Baldwin, 1937 suppl., 14078-19.

state, approved by the judge of the circuit court, and filed in the office of the clerk, conditioned for faithful discharge of his official duties.¹⁰

The director appoints, with the approval of the board, the assistants in the department from eligible lists compiled by the state department; he determines the salaries of these assistants.¹¹

There are four divisions of duties of the department.¹² The division of assistance administers old-age assistance, aid to dependent children in their own homes, aid to blind, and supervision of the industrial board for the blind.¹³ The childrens' division takes care of orphaned children, and children to be sent to the deaf, blind, or correctional schools.¹⁴ The division of medical care is charged with the care of inmates in institutions for feeble-minded, insane, epileptic, and tubercular persons.¹⁵ The division of corrections keeps the records of all persons placed in penal and correctional institutions.¹⁶ The department also administers provisions and benefits of the federal "Social Security Act" of August 14, 1935.¹⁷ The county department is at all times responsible to the state department.¹⁸

Expenditures for assistance and administration of the department are paid from the county welfare fund raised by a separate tax levy,¹⁹ to which are added such repayments as may be made under legal liability by recipients, their parents, children, or other persons liable for their support.²⁰ Old-age assistance certificates, filed with the recorder, establish liens against estates of recipients to insure reimbursement.²¹ The county receives funds from the state, and a part of any

¹⁰ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1119; Baldwin, 1937 suppl., 14078-20.

¹¹ Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1123; Baldwin, 1937 suppl., 14078-24.

¹² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1107; Baldwin, 1937 suppl., 14078-8.

¹³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1108; Baldwin, 1937 suppl., 14078-9.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1113; Baldwin, 1937 suppl., 14078-14.

¹⁸ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1120; Baldwin, 1937 suppl., 14078-21.

¹⁹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1301; Baldwin, 1937 suppl., 14078-98.

²⁰ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1263; Baldwin, 1937 suppl., 14078-94.

²¹ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1207; Baldwin, 1937 suppl., 14078-38.

federal funds granted to the state,²² to be paid into the county welfare fund. All claims for administrative expenses are subject to allowance by the board of commissioners. Claims for assistance are not so subject, but are determined by the department and approved by the director.²³ The county board of public welfare may accept gifts, bequests of personal property, or income from real estate for the homes or support of dependent children.²⁴

The auditor keeps the records relating to the county welfare fund and its financial transactions.²⁵ The department keeps such records and accounts relating to assistance as the state department prescribes.²⁶ All records, except applications for assistance and for awards and modification and revocation of awards, are confidential.²⁷

PROCEEDINGS

603. RECORD OF COUNTY BOARD OF PUBLIC WELFARE, 1936-. 1 vol.

Minutes of meetings of county board of public welfare, showing date, place and time of meeting, names of members present, subjects of business discussed, and action taken. Arr. chron. by dates of meetings. Indexed alph. by subjects of business discussed. Hdw. and typed. 600 pp. 19 x 13 x 3. Pub. welf. off.

604. [RECOMMENDATIONS], 1936-. 1 vol.

Register of recommendations of county director and actions of county board of public welfare as to rejections, grants, modifications and revocations of awards of assistance to the aged, the blind, and to dependent children, showing dates of recommendation and action, name of applicant or recipient, application and recommendation numbers, recommendation of director, action of board, date of notice, and certificate number. Arr. num. by recommendation nos. No index. Typed. 150 pp. 15 x 12 x 1½. Pub. welf. off.

²² Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1219, 52-1249, 52-1254; Baldwin, 1937 suppl., 14078-50, 14078-80, 14078-85. Acts 1936 (Spec. Sess.), 1937; Burns, 1939 suppl., 52-1124a; Baldwin, 1937 suppl., 14078-24a.

²³ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1124; Baldwin, 1937 suppl., 14078-25.

²⁴ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1122; Baldwin, 1937 suppl., 14078-23.

²⁵ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1401; Baldwin, 1937 suppl., 14078-113.

²⁶ Acts 1936 (Spec. Sess.); Burns, 1939 suppl., 52-1260; Baldwin, 1937 suppl., 14078-91.

²⁷ Acts 1936 (Spec. Sess.), Burns, 1939 suppl., 52-1262; Baldwin, 1937 suppl., 14078-93,

OLD-AGE ASSISTANCE

(See also entries 136, 137, 426, 427iv-vii)

605. [REGISTER OF APPLICATIONS], 1924-. 1 vol.

Register of applications for assistance, including:

- i. Applications for dependent children in foster care under supervision, showing application number, names of child and visitor assigned, name and address of foster parent, date of action, and nature and disposition of case. Arr. num. by application nos.
- ii. Applications for old-age assistance, 1936-, showing application number, dates of filing and action, name, age and sex of applicant, and name of visitor assigned. Arr. chron. by dates of filing.
- iii. Applications for aid to the blind, 1936-, showing application number, dates of filing, name, age and sex of applicant, name of visitor assigned, recommendation of county board, and action taken by state department of public welfare. Arr. num. by application nos.
- iv. Applications for aid to dependent children, 1936-, showing dates of application and filing, names of applicant and visitor assigned, application number, and action taken. Arr. chron. by dates of filing.
- v. Applications for service to crippled children, 1937-, showing dates of application and filing, application number, name, age and sex of child, and action taken. Arr. chron. by dates of filing.
- vi. Foster home application, 1937-, showing dates of application and filing, names of child, foster parents and visitor assigned, age, sex and number applied for, application number, and action taken.

No index. Typed. 75 pp. 9 x 15 x 1. Pub. welf. off.

606. OLD-AGE, BLIND, DEPENDENT CHILDREN, 1936-. 2 f. d. Card index to Old-Age Assistance, Active File, entry 607; Old-Age Assistance, Inactive File, entry 608; Dependent Children, Active File, entry 616; Dependent Children, Inactive and Pending, entry 617, showing dates of opening and closing case, name, address, sex, race and birth date of applicant, names, birth dates and relationship of members of applicant's family, and application number. Arr. alph. by names of applicants. Typed. 6 x 4½ x 17. Pub. welf. off.

607. OLD-AGE ASSISTANCE, ACTIVE FILE, 1936-. 4 f. d.

Original documents in active old-age assistance cases, including applications, investigators' reports, and certificates of award, showing date of application, name of applicant, application code and serial numbers, family history of applicant, and amount of award. Arr. num. by application nos. For index, see entry 606. Hdw. and typed. 12 x 24 x 26. Pub. welf. off.

608. OLD-AGE ASSISTANCE, INACTIVE FILE, 1936-. 3 f. d.

Original documents in inactive old-age assistance cases, showing same information as entry 607. Arr. num. by application nos. For index, see entry 606. Hdw. and typed. 12 x 24 x 26. Pub. welf. off.

609. [TRANSFERS], 1936-. 1 vol.

Certified schedules of payments of old-age and dependent children assistance awards to recipients who have moved to and from foreign counties, submitted by certifying county directors to directors of foreign counties, showing date of last warrant, dates and amounts of payments, name and address of recipient, names of certifying and foreign counties and directors, application, award and withdrawal certificate numbers, and affidavit of certification by county director. Arr. num. by application nos. No index. Typed. 25 pp. 9 x 15 x 1. Pub. welf. off.

610. [WITHDRAWALS OF ASSISTANCE], 1936-. 1 vol.

Record of withdrawal of assistance, including:

- i. Record of payments to applicants who received assistance under acts of 1933 and 1936 but are not receiving assistance at present, showing dates of grant and withdrawal, name of applicant, amount of award, withdrawal certificate number, and reason for withdrawal. Arr. alph. by names of applicants.
- ii. Record of payments made under acts of 1936 to recipients from whom old-age assistance has been withdrawn, showing dates of grant and withdrawal, name of recipient, amount of award, application, award and withdrawal certificate numbers, reason for withdrawal, schedule of payments, burial expenses, and recoveries of assistance. Arr. num. by application nos.
- iii. Record of payments made to recipients from whom assistance to dependent children has been withdrawn 1937-, showing dates of award and withdrawal, name of recipient, name and birthplace of each child,

amount of award, schedule of payments, application, award and withdrawal certificate numbers, and reason for withdrawal. Arr. num. by application nos.

No index. Typed. 300 pp. 9 x 15 x 2½. Pub. welf. off.

611. [OLD-AGE ASSISTANCE AND DEPENDENT CHILDREN AWARDS], 1936-. 1 vol.

Record of monthly assistance awards to aged persons and dependent children, including:

i. Old-age assistance, showing effective date of award, name and address of recipient, amount of monthly award, application and award certificate numbers, date, amount and number of warrant, and total annual payments.

ii. Dependent children assistance, showing effective date of award, name and address of payee, name and date of birth of each child, amount of monthly award, application and award certificate numbers, date, amount and number of warrant, and total annual payments.

Arr. num. by application nos. No index. Typed. 750 pp. 9 x 15 x 3. Pub. welf. off.

612. [ALLOWANCE SCHEDULES], 1936-. 1 vol.

Allowance schedules for aged persons and dependent children's assistance, showing dates of schedule and affidavits, name of recipient, amount and number of claim, date, number and amount of warrant, application and appropriation number, verification of claim, and certification to state department of public welfare. Arr. chron. by dates of schedules. No index. Typed. 300 pp. 18 x 12 x 3. Pub. welf. off.

613. OLD-AGE PENSION APPLICATIONS, 1934-35. 1 f. b.

Instruments pertaining to old-age pensions under acts of 1933, including applications for pensions, carbon copies of auditor's reports to state auditor of old-age assistance payments, and copies of old-age pension certificates, showing dates of instrument and filing, name and address of recipient, amount of pension granted, conditions of instrument, and action taken by board of commissioners. Arr. chron. by dates of filing. No index. Hdw. and typed. 11 x 5 x 14. Aud. rec. rm.

614. OLD-AGE PENSION RECORD, 1933-36. 3 vols. (1-3).

Transcripts of applications for old-age pensions under acts of 1933, showing dates of application and filing, name, age, sex, date and place of birth, marital and citizenship status, amount and source of income, valuation and description of property, and case history of applicant, names, ages and fi-

nancial status of children, and action by board of commissioners. Arr. alph. by names of applicants. No index. Typed. 300 pp. 19 x 13 x 3. Pub. welf. off.

615. COMMISSIONERS CASE DOCKET, CURRENT [Old-age Monthly Allowance Schedule], 1934-36. 1 vol.

Individual records of monthly allowances by board of commissioners to recipients of old-age assistance awards under terms of acts of 1933, showing date of award, name, address and date of birth of recipient, and date, amount and number of warrant. Arr. alph. by names of recipients. No index. Hdw. 600 pp. 9 x 15 x 4. Pub. welf. off.

DEPENDENT CHILDREN AND BLIND ASSISTANCE, PAROLE

(See also entries 604, 605i, 605ii, 605iv-vi, 606, 609, 610iii, 611ii, 612)

616. DEPENDENT CHILDREN, ACTIVE FILE, 1936-. 1 f.d.

Original documents of active dependent children cases, including applications, investigators' reports, and certificates of awards, showing date of application, name of child, application code and serial numbers, family history, data from responsible relatives, recommendations of director, and amount of award. Arr. num. by application nos. For index, see entry 606. Hdw. and typed. 12 x 24 x 26. Pub. welf. off.

617. DEPENDENT CHILDREN, INACTIVE AND PENDING, 1936-. 1 f.d.

Original documents of inactive dependent children and blind cases, including:

- i. Dependent children, showing same information as in entry 616.
- ii. Blind cases, including notice to report to physician for examination and physician's report on eye examination, showing dates of application and examination, names of applicant and physician, application code and serial numbers, personal history of applicant, cause of blindness, central and peripheral vision, prognosis and recommendation for eye care and treatment, and value of personal and real property of applicant.

Arr. num. by application nos. For index, see entry 606. Hdw. and typed. 12 x 24 x 26. Pub. welf. off.

618. PAROLES, CRIPPLED CHILDREN, CHILD WELFARE, 1926-. 1 f.d.

Documents pertaining to paroles and to assistance to crippled and dependent children, including:

- i. Sponsor and employer agreements for paroled inmates of state institutions, showing date of agreement, name, address and occupation of sponsor, name of parolee, amount of wages per month, and nature of business of sponsor. Pre-parole report, showing names of parolee, sponsor and institution, number, age, color and occupation of inmate, nature of crime, term of sentence, and character, occupation and standing of sponsor in community. Arr. alph. by names of parolee.
- ii. Applications and investigator's reports for assistance to crippled children, 1936-, showing dates of application and investigation, names of child, parent, guardian or custodian and investigator, age, sex, color and date of birth of child, nature of affliction, and data from responsible persons. Arr. num. by application nos.
- iii. Applications and papers for dependent children in custody of parents in foster homes and in homes of relatives, 1936-, showing date of application, application code and serial numbers, age, sex and number of children applied for, names of parents, foster parents and relatives, family history of parents, personal and medical history of child, and date of acceptance or rejection. Arr. num. by application nos.

No index. Hdw. and typed. 12 x 24 x 26. Pub. welf. off.

FINANCIAL RECORDS

(See also entries 425-427, 509)

619. [LEDGER OF RECEIPTS], 1939-. In [Register of Claims Filed and Paid], entry 624. 1938 in [Assignment Register and Estate Claims], entry 622.

Record of all welfare department receipts, showing date, amount and source of receipt, name of account, quietus number, and recapitulation of monthly receipts and disbursements. Arr. by names of accounts. No index.

620. [LEDGER OF APPROPRIATIONS AND DISBURSEMENTS], 1939-. In [Register of Claims Filed and Paid], entry 624. 1938 in [Assignment Register and Estate Claims], entry 622.

Record of appropriations and disbursements of public welfare funds, showing date of disbursement, name and number of ac-

count, amounts of annual appropriation, monthly allotment, claim and warrant, total disbursements for month and year to date, appropriation balance, and appropriation, claim and warrant numbers. Arr. num. by account nos. No index.

621. [ALLOWANCES AND DISBURSEMENTS BY ACCOUNTS], 1936-37. 1 vol. Discontinued.

Monthly reports of disbursements by accounts issued by state department of public welfare, showing date of report, amounts of disbursements by county auditor for current month and total disbursements to end of current month, sub-totals for month and for year to date, and account numbers. Arr. chron. by dates of reports. No index. Typed. 13 pp. 12 x 18 x ½. Pub. welf. off.

622. [ASSIGNMENT REGISTER AND ESTATE CLAIMS], 1936-. 1 vol. Register of assignments of life insurance policies and other personal assets and claims filed against estates, including:

- i. Register of assignments of life insurance and other personal assets by recipients of old-age assistance, showing date of assignment, name of recipient, register and application numbers, and value and description of life insurance or assets assigned.
- ii. Register of claims filed against estates of deceased recipients of public assistance, 1937-, showing dates of filing and settlement, names of recipient and trial court, amounts of claim and settlement, register, application and docket numbers, and disposition of settlement proceeds.

Also contains: [Register of Claims Filed and Paid], 1936-38, entry 624; [Ledger of Receipts], 1938, entry 619; [Ledger of Appropriations and Disbursements], 1938, entry 620. Arr. num. by register nos. No index. Typed. 150 pp. 12 x 15 x 1. Pub. welf. off.

623. [CLAIM AND ASSIGNMENT RECORDS], 1936-. 1 vol. Public welfare claim and assignment records, including:

- i. Copies of affidavits of county director and auditor certifying monthly claim register to state department of public welfare, showing dates of claim and affidavit, names of director and auditor, and total amount of claims paid. Arr. chron. by dates of affidavits.
- ii. Register of assignments of life insurance policies by recipients of old-age assistance awards, showing date of assignment, names of insured, beneficiary and insurance company, and application and policy numbers. Arr. chron. by dates of assignments.

- iii. Register of funeral claims for filing against estates of recipients of old-age assistance awards, showing date of claim, name of estate, amounts recoverable under acts of 1933 and 1936, and application and cause numbers. Arr. chron. by dates of claims

No index. Typed. 50 pp. 12 x 9 x 1. Pub. welf. off.

- 624. [REGISTER OF CLAIMS FILED AND PAID], 1939-. 1 vol. 1936-38 in [Assignment Register and Estate Claims], entry 622.

Register of all claims for assistance and administrative expenses, filed, allowed and paid, showing dates, amounts and numbers of claim and warrant, name of payee, account number, and itemized description of expenditure. Also contains: [Ledger of Receipts], entry 619; [Ledger of Appropriations and Disbursements], entry 620. Arr. chron. by dates of claims. No index. Typed. 150 pp. 12 x 15 x 1. Pub. welf. off.

- 625. CLAIMS, 1936-. 1 f.d.

Instruments pertaining to claims for public assistance, including:

- i. Copies of all claims for administrative expense and public assistance awards, showing date, amount and nature of claim, name and address of claimant, amount of warrant, and claim, warrant and appropriation numbers. Arr. chron. by dates of claims.
- ii. Copies of claims for burial of recipients of public assistance, submitted to state department of public welfare for reimbursement, showing date of claim, name and address of payee of claim for funeral services, amounts and numbers of claim and warrant, and affidavits of verification by county director and certification by auditor. Arr. chron. by dates of claims.
- iii. Individual records of payments for services for crippled children, 1937-, showing names and addresses of child, hospital and parent, guardian or custodian, name of payee, date, amount and number of warrant, application number, and nature of claim. Arr. num. by application nos.
- iv. Copies of monthly schedules of claims paid for services for crippled children, 1937-, showing dates of schedule and warrant, name of child, name and address of payee, nature of claim, amount of warrant, application, claim and warrant numbers, and total claims paid. Arr. chron. by dates of schedules.

No index. Hdw. and typed. 12 x 14 x 26. Pub. welf. off.

626. GENERAL CORRESPONDENCE [Reports], 1936-. 1 f. b.
Copies of various welfare department reports and instruments,
including:

- i. Recapitulations of continuation sheets, listing warrants for old-age assistance returned and deposited with treasurer for credit to county welfare fund, 1936-, showing information as in entry 612. Arr. chron. by dates of continuation sheets.
- ii. Copies of claims paid to state treasurer for state's share of old-age assistance recoveries and reports of repayments of old-age assistance to county, submitted to auditor by state department of public welfare, 1937-, showing information as in entry 427 vii. Arr. by types of instruments, thereunder chron. by dates of instruments.
- iii. Copies of claims for personal services of employees of department of public welfare filed with auditor and allowed by board of commissioners, 1937-, showing information as in entry 427x. Arr. chron. by dates of claims.
- iv. Copies of monthly financial reports submitted to state department of public welfare by county director, 1937-, showing information as in entry 427xii. Arr. chron. by dates of reports.
- v. Copies of authorizations to administer oaths and affirmations for public welfare purposes granted to employees and officers by board of public welfare, and revocations of authorizations, 1937-, showing information as in entry 427ii. Arr. by types of instruments, thereunder chron. by dates of instrument.
- vi. Copies of reports of appointments to staff positions, submitted to state department of public welfare, 1937-, showing information as in entry 427i. Arr. chron. by dates of approval.
- vii. Certified copies of petitions for appeal for restoration of appropriation and tax levy, with budget schedule attached, submitted to state board of tax commissioners by board of public welfare, 1938-, showing information as in entry 427iii. Arr. chron. by dates of filing.

No index. Typed. 12 x 27 x 26. Pub. welf. off.

627. REIMBURSEMENTS, 1938-. 1 f. d.

Vouchers issued by state department of public welfare for reimbursements by auditor of state, showing date and amount of voucher, and schedule of reimbursements. Arr. chron. by dates of vouchers. No index. Typed. 3 x 5 x 10. Pub. welf. off.

628. [REPAYMENT RECEIPTS], 1937-. 1 vol.

Duplicates of receipts issued by director of county department of public welfare for repayments of public assistance awards, showing date, amount and nature of repayment, name of payer, and receipt number. Arr. num. by receipt nos. No index. Hdw. 40 pp. 17 x 10 x 1. Pub. welf. off.

629. [QUIETUS], 1937-. 1 f. d.

Quietuses issued by county auditor for reimbursements from auditor of state, showing date, amount and number of quietus, name of payer, and nature of reimbursement. Arr. chron. by dates of quietuses. No index. Hdw. 3 x 5 x 10. Pub. welf. off.

XXV. SURVEYOR

The surveyor is a constitutional officer, elected for a two-year term, without restriction on re-election. The office of surveyor was established in Clay County under the Constitution of 1851 and the Revised Statutes of 1852.¹ He must furnish bond in an amount fixed by the board of commissioners of not less than \$5,000,² and he receives a statutory salary of \$1,075 per annum;³ however, if the surveyor is a qualified engineer his salary shall be one and one-half times the stated amount.⁴

Prior to the Constitution of 1851, the surveyor was a statutory officer. He was appointed and commissioned by the governor under the organization act of Clay County,⁵ but under the revision of 1831 the board of commissioners became the appointing agency.⁶

¹ Const., art. 6, sec. 2. 1 Rev. Stat. 1852; Burns 49-3301; Baldwin 5504.

² Acts 1913; Burns 49-3302, 49-3303, 49-3304; Baldwin 5505, 5506, 5507.

³ Acts 1933; Burns 49-1004; Baldwin 7534.

⁴ Acts 1933; Burns 49-1010; Baldwin 7540.

⁵ Acts 1817-18 (general), ch. 30, sec. 1. Rev. Laws 1824, ch. 104, sec. 1. Acts 1825, ch. 15.

⁶ Rev. Laws 1831, ch. 102, sec. 1.

The surveyor has charge, under the direction of the board of commissioners, of all surveying and civil engineering of the county and superintends all construction and maintenance of county ditches;⁷ of the preparation of plans, specifications for, and supervision of the construction of all bridges, turn-pikes, roads, and levees.⁸ The board of commissioners appoints on recommendation of the surveyor such number of deputy surveyors as may be necessary, determines whether they shall be full-time or part-time employees, and fixes their salaries at not to exceed \$200⁹ per month.⁹ Deputies and assistants take an oath to faithfully discharge their duties, and the surveyor shall keep a record thereof in a book provided for that purpose. The deputies return to the surveyor all field notes taken by them, within 60 days thereafter.¹⁰

For private parties, the surveyor takes acknowledgments of mortgages and deeds for the conveyance of real estate,¹¹ and, upon request, makes surveys to establish lines and corners of lands.¹² Surveys made by the surveyor are prime facie evidence in favor of corners established and lines run, but an appeal to the circuit court may result in a resurvey by some other competent person.¹³

The surveyor has general charge of the repair and maintenance of the county highways unless a highway supervisor is appointed; however, the surveyor serves in both capacities in Clay County.¹⁴ The compensation provided for the surveyor as highway supervisor is to be considered a part of his statutory salary and not in addition thereto.¹⁵

He is required to attend all sessions of the annual road school during his incumbency, the term of said school shall be for a period of not less than one week; all of his expenses

⁷ Acts 1933; Burns 27-101, 27-103, 27-104, 27-107 to 27-109, 271-11 to 271-16; Baldwin 5737, 5739, 5740, 5743 to 5745, 5747 to 5752.

⁸ 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin 5508.

⁹ Acts 1933; Burns 27-102, 36-1103; Baldwin 5738, 5701. Acts 1937; Burns, 1939 suppl., 49-3330; Baldwin, 1937 suppl., 5511-1.

¹⁰ 1 Rev. Stat. 1852; Burns 49-3307; Baldwin 5519.

¹¹ 1 Rev. Stat. 1852. Acts 1857; Burns 49-3317; Baldwin 5513.

¹² Rev Laws 1831, ch. 102, sec. 6. 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311, 49-3312; Baldwin 5509, 5510.

¹³ 1 Rev. Stat. 1852; Burns 49-3313; Baldwin 5515. Acts 1901; Burns 49-3314; Baldwin 5516.

¹⁴ Acts 1933; Burns 36-1101; Baldwin 8699. Commissioners' Record, 35:2, 83, 84. See essay on Highway Supervisor.

¹⁵ Acts 1933; Burns 36-1110; Baldwin 8708.

are paid from the general fund of the county.¹⁶ On application of the surveyor it is the duty of the board of commissioners to provide for the location and establishment of a true and permanent meridian line at or near the county seat and upon public lands belonging to the county. The surveyor shall deliver a complete description of the meridian to be recorded with the recorder and he shall check his instruments against the line as often as necessary.¹⁷

The surveyor charges fees, provided by schedule, for his services.¹⁸

The surveyor is required to preserve a copy of the original field notes of the surveys of the townships in his county,¹⁹ and a record of all surveys made by him.²⁰

SURVEYS

630. FIELD BOOK, 1840—. 172 vols. (labelling varies). Original notes recorded in field, covering all road, bridge, ditch, mine, and land surveys, showing date of survey, names of surveyor and survey, location and description of land, and notes taken. Arr. chron. by dates of surveys. For index, see entry 631. 150 pp. 7 x 5 x 1. Surv. off.

631. [INDEX TO FIELD BOOK], 1840—. 1 f.b. Card index to Field Book, entry 630, showing name of survey and volume reference to recording. Arr. alph. by names of surveys. Hdw. 4 x 5 x 3. Surv. off.

632. SURVEYOR'S RECORD, CORNER STONES, 1849—. 2 vols. (1, and 1 vol. not numbered). Record of all land surveys made, showing date of survey, name of surveyor, section, township and range numbers, and locations of corner stones, sections and intermediate boundary lines. Arr. chron. by dates of surveys. No index. Hdw. 589 pp. 18 x 12 x 3. Surv. off.

633. RECORD OF FIELD NOTES, 1861. 6 vols. Certified copies of field notes in office of state auditor covering original government surveys of 1811-15, showing date of survey, names of surveyor and township, location and de-

¹⁶ Acts 1925; Burns 49-3323; Baldwin 5520.

¹⁷ Acts 1895; Burns 49-3327, 49-3328; Baldwin 10849, 10850.

¹⁸ Acts 1875 (Spec. Sess.); Burns 49-3318; Baldwin 5521.

¹⁹ Rev. Laws 1831, ch. 102, sec. 5. 1 Rev. Stat. 1852, Acts 1911; Burns 49-3309; Baldwin

²⁰ 1 Rev. Stat. 1852, Acts 1875; Burns 49-3311; Baldwin 5509.

scription of land, nature of soil, kind of timber growing, locations of creeks, brooks, and corner and section posts, certification by auditor of state, and date and time of recording. Arr. by twp. and range nos. Indexed alph. by names of twps. Hdw. 1 vol., 580 pp. 16 x 11 x 1½; 5 vols., 250 pp. 7 x 5 x 1. Surv. off.

DRAINAGE

(See also entries 38-40)

634. DITCHES, 1900-. 15 f. d.

Plans and specifications of ditches proposed and constructed in Clay County, showing location of ditch, and property benefited. No orderly arrangement. No index. Blueprint. 5 x 5 x 30. Surv. off.

635. DITCHES AND LEVEES, approx. 1900-. 2 f. d.

Maps and profiles of ditches and levees in Clay County, showing location and description of ditch and levee. No orderly arr. No index. Blueprint and black and white. 5 x 32 x 52. Surv. off.

636. CLAY CO.[unty] DITCH ALLOTMENTS, 1933-34. 1 f. d.

Copies of orders and transcripts of allotments made by county surveyor for repairing ditches and laterals, showing date of order, names of ditch, trustee, taxing unit and landowner, location and description of lands, number of acres benefited, share, station and lateral numbers, and specifications for cleaning the allotment. Arr. by names of ditches. No index. Hdw. 5 x 32 x 52. Surv. off.

637. SURVEYOR'S DITCH RECORD, 1905-13, 1917. 1 vol.

Transcripts of various instruments pertaining to repair and cleaning ditches, including notices, bids, contractors' bonds, assessments, contracts, petitions for allotments, and allotments, showing dates of instrument and filing, names of principals, nature and conditions of instrument, and action taken. Arr. chron. by dates of instruments. No index. Hdw. and typed. 432 pp. 18 x 13 x 2. Surv. off.

638. COUNTY DRAINAGE COMMISSIONER'S CLEAN OUT RECORD, 1918. 1 vol.

Transcript of drainage commissioner's report in matter of petition for cleaning Connely ditch, showing date of report, names of engineer and drainage commissioners, condition of report, and action taken. Typed. 308 pp. 18 x 13 x 2. Surv. off.

ROADS

(See also entries 34-36)

639. ROADS, 1900-. 41 f.d. (labelled by names of roads). Plans, specifications and profiles of roads proposed, constructed and improved in Clay County, showing dates of plans, specifications and profiles, and locations of roads. No orderly arr. No index. Blueprint. 5 x 5 x 30. Surv. off.

640. ROADS AND PROFILES, 1900-. 1 f.d.

Profiles of roads in Clay County, showing name and location of road. No orderly arr. No index. Blueprint and black and white. 5 x 32 x 52. Surv. off.

BRIDGES

(See also entry 37)

641. BRIDGES, 1900-. 4 f.d.

Plans and specifications of bridges proposed and constructed in Clay County, showing dates of plans and specifications, and locations of bridges. No orderly arr. No index. Blueprint and black and white. 5 x 5 x 30. Surv. off.

BUILDINGS

(See also entry 41)

642. BATH ROOM ORPHANS HOME, 1934. 1 f.d.

Plans for bathroom at county orphans' home, showing date of plans and specifications of bathroom. No orderly arr. No index. Blueprint. 5 x 5 x 30. Surv. off.

643. COUNTY GARAGE PLANS, 1933. 1 f.d.

Plans for construction of county garage, showing date of plans and specifications of garage. No orderly arr. No index. Blueprint. 5 x 5 x 30. Surv. off.

644. POOR FARM BARN AND CHICKEN LOT, 1927. 1 f.d.

Plans for poor farm barn and poultry lot, showing date of plans and specifications of barn and poultry lot. No orderly arr. No index. Blueprint. 5 x 5 x 30. Surv. off.

GRADE CROSSINGS

645. GRADE CROSSING, 1936. 1 f.d.

Profiles and grade crossings, showing date of profile and locations of crossings. No orderly arr. No index. Black and white. 5 x 5 x 30. Surv. off.

PLATS AND MAPS

646. TOWN PLATS AND ADDITIONS, approx. 1900-. 1 f. d. Plats of additions in Clay County, showing description, location, and area of plat. No orderly arr. No index. Blueprint and black and white. 5 x 32 x 52. Surv. off.

647. CLAY COUNTY, 1938. 1 map. Communication map, showing location of dirt, gravel and paved roads and Works Progress Administration projects, and township numbers. Drawn by Wayne M. Weber of Brazil. Black and white. Scale: 1" to 1 mi. 24 x 41. Surv. off.

648. CLAY COUNTY, 1931. 1 map. Political and communication map, showing date of map, cities, towns, cemeteries, farms, ward and precinct boundaries, and names and locations of farms, churches, schools, railroads, interurban lines, county roads, and pipe lines. Drawn by Jenkins & Ell of Brazil. Colored. Scale: 1½" to 1 mi. 36 x 48. Surv. off.

649. CLAY COUNTY, not dated. 1 map. Political and communication map prepared under the direction of Indiana Highway Survey Commission, showing location of school bus and mail routes, airports, small stores, business establishments, country clubs, athletic fields, parks, fairgrounds, town halls, religious and correctional institutions, hospitals, industrial plants, mines and quarries, power plants camps, reservoirs, radio stations, cemeteries, saw mills, dwellings and oil pumping stations. Blueprint. No scale given. 36 x 44. Surv. off.

XXVI. COUNTY HIGHWAY SUPERVISOR

The highway supervisor of Clay County is appointed by the board of commissioners under the authority of an act of 1933 and serves at the will of the board. The board may appoint the surveyor or some other qualified person to the office; and if any individual other than the surveyor is appointed, he must attend all sessions of the annual road school at Purdue University during his incumbency.¹ At present the surveyor is serving as the highway supervisor, and he is to receive, in addition to his salary as surveyor, the sum of \$604.49 and

¹ Acts 1933; Burns 36-1110; Baldwin 8708.

five cents per mile travelling expenses in the discharge of his duty.²

Road building began early in Indiana; thus many laws were enacted concerning the opening, operation, and maintenance of roads. The boards of commissioners of the counties have always exercised the general supervision and control of the county highways, but with the aid of district road supervisors (appointed by the board), the township trustees, and township road superintendent.³ From 1879 to 1913, the board of commissioners was constituted, by the general assembly, a board of turnpike directors for the management and control of county highways.⁴ This board was abolished by an act of 1913 and the office of superintendent of highways was created. The superintendent was appointed by the board of commissioners and placed in charge of highways.⁵ This office was abolished in 1933⁶ and the office of highway supervisor created.⁷

The highway supervisor has general charge of the repair and maintenance of county highways, bridges, and culverts;⁸ he maps all highways, dividing the roads into districts, giving each road a separate name or number, and setting forth the length and character of each road and the kind and volume of traffic for the purpose of uniform maintenance;⁹ he exercises police power in the control of highways and may fix the limit of loads for any highway, bridge, or culvert;¹⁰ he establishes standards for maintenance according to topography, nature, and volume of traffic, and the availability of repair materials; and he makes a complete itemized estimate of the cost of repair and maintenance of highways, bridges, and culverts for the annual budget.¹¹ He attends all regular meetings of the board of commissioners, and advises with them concerning re-

² Commissioners' Record, 35:2, 83, 84.

³ Acts 1816 (general), ch. 8. Acts 1817-18 (general), ch. 43. Acts 1818-19 (general), ch. 11. Rev. Laws, 1824, ch. 87. Rev. Laws, 1831, ch. 20, sec. 22. Rev. Laws, 1831, ch. 82. Rev. Stat. 1843, ch. 16. 1 Rev. Stat. 1852, ch. 48.

⁴ Acts 1879 (general), ch. 115, sec. 1.

⁵ Acts 1913, ch. 330, sec. 1.

⁶ Acts 1933; Burns 36-1113.

⁷ Acts 1933; Burns 36-1110; Baldwin 8708.

⁸ Acts 1933; Burns 36-1102, 36-1110; Baldwin 8700, 8708.

⁹ Acts 1933; Burns 36-1109; Baldwin 8707.

¹⁰ Acts 1933; Burns 36-1102; Baldwin 8700. The act names the surveyor but the highway supervisor performs all such duties under authority of the act of 1933; Burns 36-1110; Baldwin 8708.

¹¹ Acts 1933; Burns 36-1103; Baldwin 8701.

pair and maintenance of the county roads.¹² The board of commissioners employs and determines the wages of all the necessary road assistants; but such assistants are under the direct supervision of, and make their reports to the surveyor or highway supervisor.¹³

The records of the highway supervisor are maps of the highway system made by him,¹⁴ reports of work in progress,¹⁵ monthly reports to the board of commissioners of all work done, and an annual report of his work, with a complete statement of all expenditures under his supervision.¹⁶

650. [LEDGER OF APPROPRIATIONS AND DISBURSEMENTS], 1938-.
1 vol.

Ledger of appropriations and disbursements of county highway supervisor, showing dates of appropriation and disbursement, name of claimant, amount and nature of claim, account number, amount of disbursement, total, and balance or overdraft. Arr. num. by account nos., thereunder chron. by dates of disbursements. No index. Hdw. and typed. 15 x 13 x 1. High. sup. off.

651. LEDGER OF EXPENDITURES FOR FREE GRAVEL ROAD REPAIRS, 1914-21, 1925-37. 8 vols. (1-6, and 2 vols. not numbered). Title varies: Highway Superintendent's Ledger of Expenditures.

Ledger of expenditures for free gravel road repairs, showing dates of repair and purchase of materials, names of road, assistant road superintendent, employees and firms supplying materials, labor costs, kind, quantity and cost of materials, warrant, district and report numbers, nature of repairs, and totals. No orderly arr. Indexed alph. by names of assistant road superintendents, thereunder num. by report nos. Hdw. 290 pp. 15 x 12 x 2. 6 vols., 1914-21, aud. rec. rm.; 2 vols., 1925-37, high. sup. off.

652. [HIGHWAY SUPERVISOR'S EMERGENCY PURCHASE ORDERS], 1935-. 4 vols.

Carbon copies of emergency purchase orders issued by highway supervisors for materials and supplies, showing date of order, names and addresses of consignor and consignee, and quantity,

¹² Acts 1933; Burns 36-1104; Baldwin 8702.

¹³ Acts 1933; Burns 36-1107; Baldwin 8705.

¹⁴ Acts 1933; Burns 36-1109; Baldwin 8707.

¹⁵ Acts 1933; Burns 36-1106; Baldwin 8704.

¹⁶ Acts 1933; Burns 36-1104; Baldwin 8702.

description, unit price, and total amount of order. Arr. chron. by dates of orders. No index. Hdw. 150 pp. 7 x 7 x 2. 1 vol., 1935-37, aud. rec. rm.; 3 vols., 1938-, high. sup. off.

653. [HIGHWAY SUPERVISOR'S DELIVERY ORDERS], 1935-. 2 vols. Carbon copies of delivery orders issued by highway supervisors for materials and supplies on contracts, showing dates of order and bid as accepted by board of commissioners, names and addresses of consignor and consignee, requisition and order numbers, and quantity, description and unit price of materials or supplies. Arr. chron. by dates of orders. No index. Hdw. 100 pp. 9 x 8 x 1. 1 vol., 1935-37, aud. rec. rm.; 1 vol., 1938-, high. sup. off.

654. MONTHLY REPORTS [Highway Supervisor], 1933-36. 1 f. b.

Monthly reports of highway supervisor to board of commissioners of the progress and completion of construction and maintenance of county roads, including an itemized account of expenditures and inventory of equipment of the department, showing date of report, nature of work, amount of expenditures, and type of equipment. Arr. chron. by dates of reports. No index. Hdw. and typed. 5 x 5 x 30. High. sup. off.

655. TIME AND ACCOUNT BOOK, ASSISTANT COUNTY SUPERINTENDENT OF HIGHWAYS, 1914-18. 8 vols.

Register of laborers employed and firms supplying materials for repairs and maintenance of free gravel roads, showing names of employee, firm and road, time employed, materials supplied, nature of work performed, and total costs. Arr. by names of roads. No index. Hdw. 70 pp. 10 x 6 x 1½. Attic stor. rm.

656. GRAVEL ROAD SUPERINTENDENT'S RECORD, 1904-8. 6 vols. (labelled by districts).

Register of laborers employed and firms furnishing materials for repairs and maintenance of free gravel roads, showing dates labor employed and materials furnished, names of laborer, firm, road, township and district, amounts due for labor and material, certificate number, and detailed account of labor performed and materials furnished. Arr. by twps., thereunder by names of roads. No index. Hdw. 150 pp. 16 x 11 x 1½. Attic stor. rm.

XXVII. MINERS' EXAMINATION BOARD

In 1911 the occupation of mining was declared a hazardous occupation, and the boards of commissioners of counties with active coal mines were required to appoint a miners' examination board.¹ This board, which was reorganized by an act of 1923, consists of two resident coal miners with at least five years' experience in mining coal and engaged in that business in the county, and one mine operator, also a resident of the county. The appointments are made on the first Monday in January of each year, and miners and operators may make recommendations, individually or collectively, to the board of commissioners before each appointment. A county must have a mine employing ten or more miners before an examination board must be established.² The board shall choose from their number a president, a secretary, and a treasurer, who must take an oath to perform their duties faithfully and the treasurer gives bond to the auditor in the sum of \$500. The county council will appropriate and the county treasurer will pay the members \$4.00 per day and expenses whenever they are engaged in the actual performance of duties.³

The board examines publicly all applicants desiring to work as coal miners, issues permits to those wishing to qualify as miners and certificates to those who pass the examination successfully. In order to work in any coal mine in Indiana a man must obtain a certificate of competency and qualifications from the miners' examination board of some county in the state or from a similar board in another state, or in case of a man learning the trade, a permit to work with a qualified miner as helper.⁴ Upon completion of two years' experience under a certified miner, the helper may apply for a certificate.⁵

The board issues certificates of efficiency to qualified and experienced miners. The examination for this certificate can be passed by satisfactory evidence of experience in mining and sufficient knowledge of dangerous gases and explosives; this evidence is to be determined by the applicant's appearance

¹ Acts 1911, ch. 276, sec. 1.

² Acts 1923; Burns 46-1001; Baldwin 11073.

³ Acts 1923; Burns 46-1002; Baldwin 11073.

⁴ Acts 1923; Burns 46-1006; Baldwin 11073. Acts 1923, 1937; Burns, 1938 suppl., 46-1013; Baldwin, 1937 suppl., 11074. Acts 1923; Burns 46-1003, 46-1006, 46-1010; Baldwin 11073.

⁵ Acts 1923; Burns 46-1010; Baldwin 11073.

before the board and intelligently answering 15 questions in regard to gases, combustibles and explosives, preparation of shots, and timbering.⁶

A refusal of a certificate or permit may be appealed to the circuit or superior court of the county, and the secretary of the board must furnish the applicant a copy of the questions and his answers to the examination without charge.⁷

The board keeps a permanent record of registration of all applicants,⁸ and accurate records, in permanent form, of the proceedings of all sessions held by them.⁹ The board reports to the board of commissioners each January the names of applicants, the amount of money received and disbursed, and the names of persons awarded or refused certificates or permits.¹⁰

Examinations in Clay County, a county employing more than 150 miners, are given on the first Wednesday of each month.¹¹

657. MINUTES OF MEETING, 1911-. 2 vols.

Minutes of meetings of miners' examining board, showing date of meeting, names of members present, and business transacted. Arr. chron. by dates of meetings. No index. Hdw. 200 pp. 14 x 9 x 2. Miners' examination bd. off.

658. APPLICATION FOR PERMIT TO WORK WITH QUALIFIED MINER, 1911-. 3 vols. (1-3).

Applications for permits to work with qualified miners, showing dates of application and applicant's birth, name, age, nationality and address of applicant, names and address of parents, permit number, and statement of previous coal mining experience. No orderly arr. Indexed alph. by names of applicants. Hdw. 248 pp. 16 x 10 x 1. Miners' examination bd. off.

659. APPLICATIONS FOR QUALIFICATION CERTIFICATES AS MINERS, 1911-. 2 vols. (1, 1).

Applications for miners' qualification certificates, showing date of application, name, address, age, nationality and birth-place of applicant, names of mines in which previously em-

⁶ Acts 1923; Burns 46-1006, 46-1007; Baldwin 11073.

⁷ Acts 1923; Burns 46-1005; Baldwin 11073.

⁸ Acts 1923; Burns 46-1004; Baldwin 11073.

⁹ Acts 1923; Burns, 46-1006; Baldwin 11073.

¹⁰ Act 1923; Burns 46-1005; Baldwin 11073.

¹¹ Acts 1923; Burns 46-1006; Baldwin 11073. "Report of The Bureau of Mines and Mining . . . Year Book of the State of Indiana for the Year 1938 (1939).

ployed, length of time served, and names and address of parents. No orderly arr. Indexed alph. by names of applicants. Hdw. 620 pp. 16 x 11 x 3. Miners' examination bd. off.

660. APPLICATION FOR CERTIFICATE OF COMPETENCY AS MINERS, 1911-. 2 vols. (1, 2).

Register of applications for certificates of competency as miner, showing date of application, name, age, race, nationality and birthplace of applicant, certificate number, and statement of experience as miner. No orderly arr. Indexed alph. by names of applicants. Hdw. 416 pp. 16 x 11 x 3. Miners' examination bd. off.

661. RECEIPTS & DISBURSEMENTS MINING EXAMINING BOARD, 1911-. 3 vols.

Ledger of cash received by treasurer of miners' examination board for issuance of certificates and permits, showing date and amount of receipt, name of payer, qualification certificate, certificate of competency and permit numbers, total number of certificates and permits issued, and receipt for amount paid to county treasurer. Arr. chron. by dates of receipts. No index. Hdw. 159 pp. 12 x 9 x 1½. Miners' examination bd. off.

XXVIII. COUNTY AGRICULTURAL AGENT

The agricultural agent of Clay County is annually appointed by the director of agricultural extension service of Purdue University, subject to the approval of the county agricultural agent board (a state board), under the authority of acts of 1913, 1923, and 1927, as amended in 1937. His qualifications are prescribed by the board; and the county council is required to appropriate \$1,000 annually for the expenses of the office, and the state pays \$2,000 annually as salary for the county agent through Purdue University.¹

This office was created by an act of 1913, providing for its establishment on petition of 20 county residents and deposit of \$500, and was thus continued until the amendatory act of 1937 made the office mandatory. The agent was appointed annually by Purdue University, subject to the approval of the state and county boards of education. The state paid \$1,000 annually on his salary.² Before 1913 interest in agriculture was stimulated by private agricultural societies.

¹ Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

² Acts 1913; ch. 24, sec. 12.

The agricultural agent, under the supervision of Purdue University, co-operates with farmers' institutes, farmers' clubs, and other rural and civic organizations; conducts practical farm demonstrations, boys' and girls' clubs and contest work, and other movements for the advancement of agricultural and country life; gives advice to farmers on practical farm problems; and aids the superintendents of schools and the teachers of the county in giving practical education in agriculture and domestic science.³

In order to develop extension programs for the improvement and advancement of agriculture, home economics, and rural life in harmony with federal and state laws, Clay County employs a home demonstration agent, selected by the extension division of Purdue University, who is also the boys' and girls' 4-H Club agent, and other necessary assistants. They work under the agricultural agent's supervision and are paid by funds appropriated by the county council.⁴

The records of the agricultural agent consist of reports of his activities, to Purdue University, compiled under the direction of the University.

662. COUNTY AGENT'S ANNUAL REPORTS, 1925-. 1 f.d.

Copies of monthly and annual reports to department of agriculture, Purdue University, including:

- i. Annual narrative reports of all agricultural activities, showing date of report, narration of activities, annual work program, and statistical summary of extension work. Typed.
- ii. Annual narrative reports of 4-H club activities, 1929-35, showing date of report, narration of activities, annual work program, and statistical summary of activities. Typed.
- iii. Annual narrative reports of home demonstration agent, 1936-, showing date of report, narration of activities, annual work program, and statistical summary of activities. Typed.
- iv. Monthly reports of agricultural extension service, 1926, 1936-, showing date of report, schedule of meetings held and attendance, schedule of meetings planned, and statistical summary of all activities. Typed.

³ Acts 1913, 1923, 1927, 1937; Burns, 1939 suppl., 28-4911; Baldwin, 1937 suppl., 6457.

⁴ Acts 1931; Burns 28-5627; Baldwin 6475. U. S. C., title 7, secs. 341-43, 344-48.

- v. Combined annual statistical reports of all extension activities, 1926-, showing date of report, names of agents reporting, type of activity, and statistical report of activity. Hdw.
- vi. Reports of enrollment of 4-H club members, 1936-, showing date of report, name and age of club member, nature of project, and statistical summary of project activities. Hdw. and typed.
- vii. Condensed annual statistical reports of 4-H club activities, 1929-, showing date of report and statistical summary of all activities. Hdw.

Arr. chron. by dates of reports. No index. 13 x 12 x 24.
Agr. agt. off.

663. HOME EC[onomics] CLUBS MONTHLY REPORT CARDS, 1935-.
1 f. b.

Reports of monthly meetings of home economics clubs submitted to home demonstration agent, carbon copies of apiary inspection reports, and carbon copies of veterinarian's reports of Bang's disease tests, including:

- i. Monthly meeting reports, 1937-, showing date of meeting, names of club and secretary, numbers of members and visitors present, subjects discussed, and date, time, place and scheduled program of next meeting. Arr. alph. by names of clubs, thereunder chron. by dates of meetings.
- ii. Apiary inspection reports, 1937, showing date of inspection, name of inspector, name and address of owner, conditions found, and order of inspector. Arr. chron. by dates of inspections.
- iii. Veterinarian's reports of Bang's disease tests, 1935-38, showing information as in entry 665.

No index. Hdw. 13 x 5 x 24. Agr. agt. off.

664. [BANG'S DISEASE TESTS], 1938-. 1 vol.

Register of results of blood tests of cattle herds for Bang's disease, showing date of test, name of owner, numbers of animals tested, reactors and suspects, and date and number of clean herd certificate. Arr. alph. by names of owners. No index. Hdw. 40 pp. 14 x 11 x 1/2. Agr. agt. off.

665. [BLOOD TEST], 1939-. 1 f.d. 1935-38 in Home Ec[onomics] Clubs Monthly Report Cards, entry 663iii. Carbon copies of veterinarian's reports of Bang's disease tests, showing date of test, names of owner and veterinarian, location of farm, number of cattle tested, and tag numbers of reactors, suspects and cattle found negative to test. Arr. chron. by dates of tests. No index. 13 x 5 x 24. Agr. agt. off.

666. [SHEEP DIPPING], 1936. 1 f. d.

Request submitted by farmers to schedule sheep dipping tank stops, showing dates of request, shearing and scheduled stop, name and address of farmer, location of farm, and number of ewes and lambs in flock. Arr. chron. by dates of scheduled stops. No index. Hdw. 13 x 5 x 24. Agr. agt. off.

667. [RAT ERADICATION], 1938. 1 f. d.

Requests submitted by farmers for rat bait for rat eradication project, showing date of request, name and address of farmer, name and address of delivery place, and number of packages requested. Arr. by names of delivery places, thereunder by names of farmers. No index. Hdw. 13 x 5 x 24. Agr. agt. off.

XXIX. COMMISSION OF PUBLIC RECORDS

The commission of public records of Clay County, created under an act of 1939, consists of the judge and clerk of the circuit court, the president of the board of commissioners, and the county auditor. The commission elects one of its members as chairman. The clerk of the circuit court is secretary.¹

The members of the commission serve without compensation and receive no reimbursement for any expenses.²

An act of 1877 required the board of commissioners to order copies to be made of any public records in the county when necessary for their preservation.³ An act of 1925 provided that any public official, at his discretion, may turn over to the Indiana State Library, for permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books or materials, not in current use in his office.⁴ An act of 1937 amended that of 1925 by a provision that the director of the state library, at his discretion, may make a copy of any official book, record, document, original paper, newspaper, or printed book or material in any

¹ Acts 1939, ch. 91, sec. 1. For laws concerning eligibility, oaths, and removal of these officers, see the essays on circuit court, board of commissioners, auditor, and clerk of circuit court.

² Acts 1939, ch. 91, sec. 1.

³ Acts 1877; Burns 26-634; Baldwin 5339.

⁴ Acts 1925; Burns 63-830; Baldwin 10287.

public office, for preservation in the state archives.⁵ An act of 1935 created within the executive department of the state a commission on public records, consisting of the governor, the secretary of state, the state examiner, the director of the state library, and the director of the historical bureau. This act is almost identical with that of 1939 creating a commission of public records in each county, except for the provisions relative to ex officio members of the commission.⁶ These laws reflect the attitude of the general assembly toward the preservation of public records.

It is the duty of the commission to classify public records on the following basis: Those (a) of neither official nor historical value; (b) of current official value, to be retained in the office to which they belong; (c) of official value, but rarely consulted and of no appreciable value to the officer with whom they are filed; (d) of purely historical value.⁷

Records of class (a), occupying space to no purpose in offices and storerooms, must be destroyed or otherwise disposed of three years after they were originally filed, unless a law requires that they be saved beyond that period or altogether prohibits their destruction.⁸

Records of classes (c) and (d) must be transferred to the state library three years after the date of the filing, unless they are then in frequent use by the officer in charge. In event of such transfer, the records of class (c) will be added to the archives of the library, while those of class (d) will constitute a part of the collections of that institution.⁹

When any public records are ordered destroyed or transferred, the commission must enter an order to that effect on its minutes. The order must be dated and must contain a general description of the public records to be destroyed or transferred.¹⁰

It is unlawful for any public official or person to destroy any public record unless the commission has previously given its approval in writing and entered such approval on the minutes of the commission.¹¹

⁵ Acts 1925, 1937; Burns, 1938 suppl., 63-830; Baldwin, 1937 suppl., 10287.

⁶ Acts 1935; Burns, 1938 suppl., 63-1901 to 63-1910; Baldwin, 1935 suppl., 15400-1 to 15400-10.

⁷ Acts 1939, ch. 91, sec. 2.

⁸ *Ibid.*, secs. 3, 4.

⁹ *Ibid.*, secs. 4-6.

¹⁰ *Ibid.*, sec. 7.

¹¹ *Ibid.*, sec. 8.

Within the meaning of the act of 1939, a public record is any written or printed book, paper, document, map, or drawing which is the property of any county, and in or on which any entry has been made or is required by law to be made, or which any officer or employee of the state has received or is required to receive for filing.¹²

¹² *Ibid.*, sec. 9.

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